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

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

AGENDA

DURHAM TOWN COUNCIL

MONDAY, AUGUST 3, 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** – July 6, 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 Provide its Advice and Consent to the Appointment by the Administrator of Deputy Chief Jack Dalton to Police Chief?
   B. Shall the Town Council Approve the 3rd 2026 Warrant Billing Computed From the 2nd Quarter Water and Sewer Readings of 2026 totaling $729,792.89, Commit the Bills for Charges to the Tax Collector for Collection, and Authorize the Administrator to Sign Said Warrant?

C. Shall the Town Council Schedule a Public Hearing for Monday, September 14, 2026, on **Resolution #2026-12** to Rescind Authorized and Unissued Debt from 2014 and 2021 in the amount of Six Hundred and Nine Thousand and Five Hundred Dollars ($609,500.00)
D. Shall the Town Council, Upon Recommendation of the Assessor and consent of the Administrator, Approve a TY2025 Property Tax Abatement Recommendation of the Assessor at the Local Level Totaling $636.24?
E. Shall the Town Council Schedule a Public Hearing for September 14, 2026 on **Resolution #2026-13** Affirming the Public Purpose of Adopting the Provisions of RSA 53-F and to Designate the Town of Durham in its Entirety as an "Energy Efficiency and Clean Energy District"?

X. Citizen Committee Appointments

XI. Presentation Items

A. Presentation by Gail Jablonski, Business Manager on the Quarterly Financial Report for Period Ending June 30, 2026.
B. Presentation by Fire Chief, Dave Emanuel, on the operations of the Fire Department.
C. Presentation by Councilor Lawson and discussion regarding the municipal parking data collection and analysis from the spring of 2026.

XII. Unfinished Business

A. **Public Hearing and Possible Adoption of 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.
B. **Public Hearing and Possible Adoption on Ordinance #2026-06** amending Chapter 153, "Vehicles & Traffic," Section 153-29, "Metered Parking Areas," of the Durham Town Code, to expand metered parking to Wagon Hill Farm.
C. **Public Hearing and Possible Adoption on Ordinance #2026-07** amending Chapter 153, "Vehicles & Traffic," Section 153-29, "Metered Parking Areas," of the Durham Town Code, to expand metered and permit parking to Technology Drive.
D. **Public Hearing and Possible Adoption on Ordinance #2026-08** amending Chapter 153, "Vehicles & Traffic," Section 153-49, "Schedule XVII: Parking Prohibited Certain Hours," of the Durham Town Code, to restrict parking on Technology Drive to day and overnight parking allowed by permit only.

XIII. Councilor and Town Administrator Roundtable

XIV. New Business

A. **First Reading on Ordinance #2026-09** Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land Uses," of the Town Code to allow a single-family residence in the OR zoning district by right and to allow ADUs in the C, CC, and OR zoning districts by right and setting the Public Hearing for Monday, September 14, 2026.

B. **First Reading on Ordinance #2026-10** Amending Chapter 175, "Zoning," Article II, "Definitions," and Article XX, "Standards for Specific Uses," Section 175-109 (C) of the Town Code to require owner occupancy on any single-family residential lot that contains an accessory dwelling unit and setting the Public Hearing for Monday, September 14, 2026.

C. **Discussion and Possible Action** on a proposed Council-Initiated Amendment of Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land Uses," of the Town Code to allow parking as a principal use in the Church Hill and Central Business-2 Districts by right and to allow accessory parking lots to also serve neighboring properties.

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: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR JULY 6, 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 July 6, 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 July 6, 2026. (as presented/as amended)

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AGENDA ITEM: #9A TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: **SHALL THE TOWN COUNCIL PROVIDE ITS ADVICE AND CONSENT FOR THE APPOINTMENT OF DEPUTY CHIEF JACK DALTON TO THE POSITION OF POLICE CHIEF BY THE ADMINISTRATOR?**

CC PREPARED BY: Todd Selig, Administrator

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

The Town Charter at Section 4.6 requires that the Town Council provide its “advice and consent” to the appointment by the Administrator of Department Heads.

On July 1, 2026, Police Chief Rene Kelley submitted his notification of retirement and will be retiring from the service of the town, effective September 1, 2026. Chief Kelley was promoted from Deputy Chief to Police Chief upon the retirement of Dave Kurz in 2020.

Upon carefully evaluating the Police Department’s present and future needs, and after conferring with Chief Kelley and department staff, as well as representatives from the University of New Hampshire that work closely with Durham Police, the Administrator is moving forward with the appointment of **Deputy Police Chief Jack Dalton for the position of Police Chief** at this time, to become effective September 1, 2026, and seeks the “advice and consent” of the Town Council for his appointment pursuant to the Town Charter. **Deputy Chief Dalton will be promoting Captain Jack Lavoie to Deputy Chief,** and the department will determine a process to identify the next Captain.

Deputy Chief Dalton Qualifications:

Deputy Chief Jack Dalton began his law enforcement career in New Hampshire in 1999 and joined the Durham Police Department in 2001. Throughout his 25 years of distinguished service, he has advanced through every rank within the department, serving as Patrol Officer, Sergeant, Detective Sergeant, Captain, and Deputy Chief. He is a proud graduate of Plymouth State University and has been privileged to be invited to, and successfully complete, numerous FBI leadership courses recently.

During his career, Deputy Chief Dalton supervised and commanded numerous critical incidents while serving as a Patrol Sergeant and later in the department's Investigative Division as Detective Sergeant. He is a recipient of the Durham Police Department Medal of Valor, the department’s second highest award, awarded in recognition of his actions during a life-threatening incident in 2012.

As a member of the department's command staff, Deputy Chief Dalton has played a key role in advancing organizational excellence. He successfully led multiple Commission on Accreditation for Law Enforcement Agencies (CALEA) compliance reviews, including guiding the department through its full re-accreditation in 2025. Under his leadership, the department earned CALEA's Advanced Accreditation with a Meritorious Award.

Over the past five years, Deputy Chief Dalton has also led the department's recruitment and hiring efforts during one of the most challenging law enforcement hiring environments in recent history. His leadership has been instrumental in identifying, recruiting, and selecting the department's newest police officers, helping ensure the continued strength and professionalism of the Durham Police Department.

Outside of his professional responsibilities, Deputy Chief Dalton has demonstrated an unwavering commitment to community service. He has volunteered extensively in youth sports programs throughout the Seacoast and across New Hampshire, serving as a coach, mentor, and leader. While his teams have earned multiple state baseball championships, Deputy Chief Dalton considers his greatest accomplishment to be the countless young individuals he has mentored, coached, and inspired along the way. Deputy Chief Dalton also serves as a board member for Community Partners of Strafford County and he is currently a member of their Human Rights Committee.

For the last nine years, Deputy Chief Dalton has lived in Durham, where he resides with his wife and children.

His career reflects a deep understanding of the Durham community and the department's values, and he is exceptionally well prepared to lead the Durham Police Department into its next chapter as Police Chief.

Captain John Lavoie Qualifications:
Captain John Lavoie is a 16-year veteran of the Durham Police Department. He began his law enforcement career in 2010 after graduating from the University of New Hampshire. Before entering policing, he worked as a business analyst in the insurance industry.

Captain Lavoie has been involved in the Durham community since his time as a UNH student, serving for nearly nine years with McGregor Memorial EMS as an EMT and later as its President. In 2010, he was recognized as a recipient of the New Hampshire Business and Industry Association's 40 Under Forty award.

Throughout his career, Captain Lavoie has served in supervisory roles in both the Patrol and Detective Divisions before assuming his current position as Captain. He has led numerous complex investigations and has worked extensively with local, state, and federal law enforcement partners.
Captain Lavoie has also played a significant role in strengthening the partnership between the Town of Durham and the University of New Hampshire through service on numerous Town-Gown committees and collaborative working groups focused on public safety and community relations.

As Captain, he oversees the department's administrative operations, including accreditation, parking services, policy development, and budgeting. He has led several initiatives that modernized the department's parking program, improved customer service, and expanded downtown parking permit programs.

Captain Lavoie resides in Durham with his wife and two children, who attend the Oyster River School District.

LEGAL AUTHORITY:

Section 4.6 of the Charter states in part that: *"The Administrator shall have the power to appoint and remove, subject to the provisions of this Charter, all town department heads. Such appointments shall be on merit and fitness alone and with the advice and consent of the Council."*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The general range of pay for Durham Police Chief per the Town's Personnel Plan as of April 1, 2026, has an entry level of $122,893, a mid-point of $139,651 and an upper level of $156,409.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

In accordance with Section 4.6 of the Town Charter, the Durham Town Council hereby grants its "advice and consent" to the appointment by the Administrator of Deputy Chief Jack Dalton to the position of Police Chief.

+urham Police Department
86 Dover Road
Durham, NH 03824
868-2324

MEMORANDUM

July 1, 2026

TO: Todd Selig, Town Administrator

FROM: Rene Kelley, Police Chief

RE: Retirement

Dear Todd,

Please let this memo serve as official notification of my retirement from the Durham Police Department, effective September 1st, 2026.

To say writing this memo is difficult would be an understatement. Working for the Town of Durham has been the honor of my life! When I walked into the police station on my first day in 1987, little did I know that the Durham Police Department would be my home for the next 39 plus years.

Throughout my years with the department, I have worked with many outstanding law enforcement professionals, too many to list. I do, however, want to recognize the late Chief Paul Gowen who gave me my first opportunity in civilian law enforcement. I also want to thank Chief Dave Kurz who promoted me through the ranks and chose me as his Deputy. Chief Kurz was a mentor, coach, confidant and friend, and he prepared me to eventually replace him as Chief when he retired from the department in 2020. These past six years as Chief have been the greatest years of my professional life.

As my career winds down, I need to mention the love and support of my wife, Cheryl. She has been there from the very beginning of my journey and has provided her undying love and support through the years. When things were difficult, she was there to pick me up and remind me how fortunate I was to work for the Town of Durham. She has been my guiding light, and I can never repay her, or my daughters, for all the sacrifices they made in support of my career.

In closing, I want to thank you, Todd, and the Durham Town Council members over the years who have provided guidance and support. You, especially, are an amazing boss who took a chance when you appointed me Police Chief and I could never thank you enough! As I now step away, I can rest easily in the knowledge that the Durham Police Department is well suited for success for years to come.

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AGENDA ITEM: #9B TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: April Talon, Town Engineer

AGENDA ITEM: **Shall the Town Council Approve the 3rd 2026 Warrant Billing Computed From the 2nd Quarter Water and Sewer Readings of 2026 Totaling $729,792.89 Commit the Bills for Charges to the Tax Collector for Collection, and Authorize the Administrator to Sign Said Warrant?**

CC PREPARED BY: April Talon, Town Engineer
Gail Jablonski, Business Manager

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's approval is the 3rd 2026 Warrant for Water and Sewer totaling $729,792.89 in accordance with RSA 38:22 II (a) which states: *"A municipality may commit bills for charges to the Tax Collector with a warrant signed by the appropriate municipal officials requiring the Tax Collector to collect them."* The commitment list is available for viewing in the Town Clerk-Tax Collector's Office and will be available for viewing once the warrant is approved Monday evening.

Water and/or sewer bills are issued quarterly and are based on meter readings which are taken at the beginning of each quarter (on or about January 1, April 1, July 1 and October 1). Bills are calculated on the actual cubic foot (CF) of water used for each account. The Durham Public Works Water Division obtains the necessary readings using an automatic meter reading system and software which collects meter data including account numbers and water meter readings. This information is uploaded into the Town's utility billing software to generate the warrant. Some accounts are water only as is the case for irrigation meters or for properties that have a septic system. Some accounts are sewer only if they have a residential well.

The Town obtains the total number of cubic feet used and converts it to a dollar amount using the cost per cubic foot which is determined during the budget cycle and approved by the Town Council. The amount of cubic feet used can fluctuate from year to year for the same period due to changes in weather (for example when there is more rain, people use less irrigation), time of year (summer versus winter), and whether UNH is in or out of session.

REMINDER: THIS BILL USES THE 2026 RATES
Water = $11.25/100 CF
Water Lee = $12.94/ 100CF
Sewer = $11.08 / 100CF

The attached charts compare the actual water and sewer usage and fees for 2021 through 2026 and the first six months of 2026 compared to the budget.

LEGAL AUTHORITY:

RSA 38:22 II (a)

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The warrant details are as follows:

Water	$	370,108.90
Lee Waterline Extension Water	$	21,685.00
Sewer	$	337,998.99
Total	**$**	**729,792.89**

with interest at eight percent (8%) on all sums not paid thirty days (30) from the due date.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:
The Durham Town Council does hereby approve the 3rd 2026 Warrant Billing Computed From the 2nd Quarter Water and Sewer Readings of 2026 Totaling $729,792.89, Commit the Bills for Charges to the Tax Collector for Collection, and Authorize the Administrator to Sign Said Warrant?

2026 ESTIMATED VS ACTUAL USAGE
Jan 1 , 2026 - June 30, 2026

YEARLY COMPARISONS	ESTIMATED WATER			ACTUAL WATER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	$ Estimate vs. Actual	% Estimated to Actual
2021	14,853,460	$ 7.74	$ 1,149,658	14,427,696	$ 7.74	$ 1,116,704	(425,764)	($32,954)	97%
2022	14,304,304	$ 8.43	$ 1,205,853	14,231,786	$ 8.43	$ 1,199,740	(72,518)	($6,113)	99%
2023	14,447,347	$ 10.42	$ 1,505,414	14,656,024	$ 10.42	$ 1,527,158	208,677	$21,744	101%
2024	14,519,584	$ 10.61	$ 1,540,528	13,786,766	$ 10.61	$ 1,462,776	(732,818)	($77,752)	95%
2025	14,067,407	$ 10.92	$ 1,536,161	13,398,992	$ 10.92	$ 1,463,170	(668,415)	($72,991)	95%
2026	7,033,704	$ 11.25	$ 791,292	6,609,483	$ 11.25	$ 743,567	(424,221)	($47,725)	94%

Estimated Water through the 2nd Q is calculated as 14,067,407 divided by 2

YEARLY COMPARISONS	ESTIMATED SEWER			ACTUAL SEWER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	$ Estimate vs. Actual	% Estimated to Actual
2021	13,713,549	$ 8.97	$ 1,230,105	13,653,420	$ 8.97	$ 1,224,712	(60,129)	($5,393)	100%
2022	13,516,701	$ 8.98	$ 1,213,800	13,347,445	$ 8.98	$ 1,198,601	(169,256)	($15,199)	99%
2023	13,651,868	$ 9.57	$ 1,306,484	13,815,025	$ 9.57	$ 1,322,098	163,157	$15,614	101%
2024	13,720,127	$ 10.31	$ 1,414,545	13,053,263	$ 10.31	$ 1,345,791	(666,864)	($68,754)	95%
2025	13,057,634	$ 10.66	$ 1,391,944	12,551,894	$ 10.66	$ 1,338,032	(505,740)	($53,912)	96%
2026	6,592,061	$ 11.08	$ 730,400	6,232,378	$ 11.08	$ 690,548	(359,683)	($39,853)	95%

Estimated Sewer through the 2nd Q is calculated as 13,184,122 divided by 2

1st QUARTER ACTUALS	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)	2025 (total cubic feet)	2026 (total cubic feet)
Water	3,241,246	3,442,141	3,409,428	3,656,574	3,330,501	3,081,326	3,319,626
Water - Lee Extension				63,233	59,073	80,746	155,710
Sewer	3,095,327	3,286,030	3,292,580	3,514,853	3,211,829	2,936,841	3,181,846

2nd QUARTER ACTUALS	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)	2025 (total cubic feet)	2026 (total cubic feet)
Water	3,186,882	3,689,323	3,502,992	3,657,659	3,230,432	3,241,654	3,289,857
Water - Lee Extension				64,104	132,537	169,468	167,581
Sewer	2,862,096	3,455,094	3,298,425	3,320,712	3,069,167	3,079,671	3,050,532

3rd QUARTER ACTUALS	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)	2025 (total cubic feet)	2026 (total cubic feet)
Water	3,817,406	3,412,971	3,680,587	3,549,077	3,558,118	3,661,113	
Water - Lee Extension			24,319	68,979	220,485	479,048	
Sewer	3,449,128	3,205,142	3,305,110	3,336,952	3,286,742	3,289,322	

4th QUARTER ACTUALS	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)	2025 (total cubic feet)	2026 (total cubic feet)
Water	3,618,243	3,883,261	3,638,779	3,792,715	3,667,715	3,414,899	
Water - Lee Extension			47,374	89,193	80,280	142,682	
Sewer	3,436,605	3,707,154	3,451,330	3,642,509	3,485,525	3,246,060	

YEARLY TOTALS	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)	2025 (total cubic feet)	2026 (total cubic feet)
Water	13,863,777	14,427,696	14,231,786	14,656,025	13,786,766	13,398,992	
Water - Lee Extension			71,693	285,509	492,375	871,944	
Sewer	12,843,156	13,653,420	13,347,445	13,815,026	13,053,263	12,551,894	

2026 BUDGETED VS ACTUAL EXPENDITURES

January 1 , 2026 - June 30, 2026

FUNDS	Budgeted Ending 6/30/26	Actual Ending 6/30/26	Under (Over) 2026	
Water	$791,292	$743,567	$47,725	
Sewer	$730,400	$690,548	$39,853	
Water - Lee Extension		$41,834		

STATE OF NEW HAMPSHIRE
WATER/SEWER – 3rd WARRANT 2026

STRAFFORD SS

To Rachel Deane, Collector of Water and Sewer Taxes for the Town of Durham in said County.

In the name of said State, you are directed to collect the water and sewer taxes in the list herewith committed to you, amounting in all to the sum of

Seven Hundred & Twenty-Nine Thousand, Seven Hundred
& Ninety-Two and Eighty-Nine Cents
($729,792.89)

Water $	370,108.90
Lee Waterline Extension Water $	21,685.00
Sewer $	337,998.99
Total $	**729,792.89**

with interest at eight percent (8%) on all sums not paid thirty (30) days from the due date.

And we further order you to pay all monies collected to the Treasurer of said Town at least on a weekly basis.

As attested by the Town Clerk-Tax Collector, the list on the following pages is a correct list of the assessment of the 3rd billing of 2026 computed from the 2nd quarter water and sewer readings of 2026.

ATTEST: ______________________________
Rachel Deane, Town Clerk-Tax Collector

Given under our hands and seal at Durham this **4th** day of **August, 2026.**

____
Todd I. Selig, Administrator
Per Town Council vote on 8/3/2026

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1732

AGENDA ITEM: #9C TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: **SHALL THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR MONDAY, SEPTEMBER 14, 2026 ON RESOLUTION #2026-12 TO RESCIND AUTHORIZED AND UNISSUED DEBT FROM 2014 AND 2026 IN THE AMOUNT OF SIX HUNDRED AND NINE THOUSAND AND FIVE HUNDRED DOLLARS ($609,500.00)**

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

Yearly the Town Council approves the Capital Fund budgets, which includes projects which are authorized to be funded through bonding. Over the years many of these projects have been completed under budget, have been funded through other means or have not been completed for various reasons which has left authorized and unissued debt. In order to reflect the most accurate authorized and unissued debt in the Town's financial statements, it is proper to rescind the authorization that is not needed and will not be used as intended.

RSA 33:8-f (referenced under Legal Authority) allows the Town to vote to rescind not less than 5 years after the vote to authorize. There are two projects that have been completed under budget or are no longer relevant amounting to Authorized and Unissued Debt in the amount of $609,500.00.

2014	Stormwater Management System Improvements	$499,500.00
2021	Purchase of 66 Main Street ($850,000 authorized)	$110,000.00

Attached for the Council's information and consideration is Resolution #2026-12 authorizing the rescinding of $609,500.00 in previously authorized funds for the purpose of funding 2014 and 2021 Capital Improvement Plan projects.

The following list shows all the authorized and unissued debt funded projects. Projects highlighted in yellow are being recommended to have the authorized and unissued debt rescinded. Projects highlighted in blue have shared funding with the University of New Hampshire.

AUTHORIZED AND UNISSUED PROJECTS

GENERAL FUND

PROJECT YEAR	DESCRIPTION	AMOUNT
2003	Land Purchase	$ 880,000
2014	Stormwater Management System Improvements	$ 499,500
2019	Fire Station Upgrade	$ 177,000
2021	Fire Station Climate Control System	$ 150,000
2021	GIS Program	$ 66,700
2022	GIS Program	$ 75,000
2022	Mill Road Culvert over Oyster River	$ 375,000
2022	Oyster River Dam (Mill Pond)	$ 1,475,000
2023	Drainage System Rehabilitation Program	$ 408,000
2024	Collection Vehicle Replacement/Automate	$ 1,213,919
2024	Budgeting Software Package	$ 40,000
2024	Decorative Light Pole Painting	$ 50,000
2024	Salt Brine Maker and Tank	$ 45,000
2024	Drainage System Rehabilitation Program	$ 864,250
2024	Replace Apparatus Bay Overhead Doors	$ 150,000
2024	Transfer Station Facility Improvements	$ 350,000
2025	Dump Truck Replacement	$ 240,000
2025	Refurbish 2012 Marion Tanker	$ 100,000
2025	Drainage System Rehabilitation Program	$ 85,000
2026	Fire Station Facility Improvements	$ 400,000
2026	Replace Self Contained Breathing Apparatus	$ 700,000
2026	Dump Truck Replacement	$ 237,900
2026	One Ton Dump Truck Replacement	$ 79,000
2026	Front End Loader Replacement	$ 321,900
2026	Drainage System Rehabilitation Program	$ 85,000
2026	Oyster River Dam (Mill Pond)	$ 900,000
2026	Madbury Road Phase IV-A	$ 1,374,020
2026	Madbury Road Phase IV-B	$ 1,530,400
2026	Madbury Road Phase V	$ 1,456,000
ALL UNISSUED GENERAL FUND PROJECTS		**$ 14,328,589**

WATER FUND

PROJECT YEAR	DESCRIPTION	AMOUNT
2025	Madbury Road Waterline Replacement	$ 490,600
ALL UNISSUED WATER FUND PROJECTS		**$ 490,600**

WASTEWATER FUND

PROJECT YEAR	DESCRIPTION	AMOUNT
2014	WWTP Phase III	$ 172,700
2017	Woodman Road Sewer Improvements	$ 185,000
2023	Collection System Upgrade - Town Only	$ 47,500
2023	WWTP Major Components Rehabilitation	$ 700,000
2023	Wastewater Facilities Plan - 2023	$ 425,000
2023	Madbury Road Sewer Main Replacement	$ 150,000
2024	Collection System Upgrade - Town Only	$ 65,000
2024	Wastewater Facilities Plan - 2024	$ 425,000
2025	Collection System Upgrade - Town Only	$ 65,000
2025	Wastewater Facilities - 2025	$ 425,000
2026	Collection System Upgrade - Town Only	$ 65,000
2026	Wastewater Facilities - 2026	$ 425,000
ALL UNISSUED WASTEWATER FUND PROJECTS		**$ 3,150,200**

CHURCHILL RINK FUND

PROJECT YEAR	DESCRIPTION	AMOUNT
2020	Churchill Rink Facility Renovations	$ 600,000.00
2021	Churchill Rink Facility Renovations	$ 63,200
ALL UNISSUED CHURCHILL RINK FUND PROJECTS		**$ 663,200**

DOWNTOWN TIF DISTRICT

PROJECT YEAR	DESCRIPTION	AMOUNT
2021	Purchase of 66 Main Street	$ 110,000
ALL UNISSUED DOWNTOWN TIF PROJECTS		**$ 110,000**

One open project that we'd like to bring to your attention is the $880,000 remaining in the 2003 Warrant Article appropriating Two Million and Five Hundred Thousand Dollars ($2,500,000.00) for Conservation Land protection which was passed by 1149 yes to 349 no votes or 76.7% of the 1,498 ballots cast. At this time we are not recommending the rescinding of this authorization, unless directed otherwise by the Town Council, but did want to bring it to your attention due to the age of the outstanding authority.

The Election Warrant Article 2 read as follows:

> "Are you in favor of appropriating the sum of Two Million Five Hundred Thousand ($2,500,000) Dollars for the permanent protection of open space to help stabilize taxes and protect the rural character of the Town by purchase of land or acquisition of conservation easements (including any buildings and structures incidental thereto); said funds to be raised through the issuance of Bonds; and authorize the Town Council, upon the recommendation of the Conservation Commission, to act on behalf of the Town with respect to such acquisitions of land or conservation easements pursuant to NH RSA 36-A; and authorize the Town Council to issue, negotiate, sell and deliver such bonds or notes in accordance with the provisions of the Municipal Finance Act (NH RSA Chapter 33) and to determine the maturity date thereof?"

In 2006 and 2007 $1,620,000 of this authorization was bonded and applied towards the Conservation Easements for Emery Farm, Beaudette Farm, Langley Farm and Fogg Properties.

Councilors did receive an email dated 5/14/2026 from Neil Slepian, Chair, Land Stewardship Subcommittee and Vice-Chair Conservation Commission and Dwight Trueblood, Chair of the Conservation Commission strongly requesting this authorization remain intact "As Durham is the leader in preserving open space among the 52 towns in our region, it is important that we maintain the ability to be open to partnering with local conservation organizations and landowners when opportunities arise to preserve and protect more of our unique open spaces for the benefit of all of us, our descendants, and the natural ecosystems of our Town."

LEGAL AUTHORITY:

RSA 33:8-f Procedures to Limit or Rescind Bonding Authority for Bonds or Notes II states "A town may vote at an annual meeting to rescind an authorized but unissued bond or not following the same procedures as would be required to adopt such bond or note, provided that: (a) A vote to rescind shall not take place less than 5 years after the vote to authorize the bond or note; (b) The vote to rescind must pass by the same majority required, at the time of the rescission vote, to adopt a bond or note; ….."

LEGAL OPINION:

Bond Counsel for the Town of Durham has reviewed the RSA's and has provided the appropriate provisions.

FINANCIAL DETAILS:

A total of $609,500.00 of authorized and unissued debt will be rescinded. See attached resolution.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby schedule a Public Hearing for Monday, September 14, 2026, on Resolution #2026-12 rescinding authorized and unissued debt from 2014 and 2021 in the amount of $609,500.00.

RESOLUTION #2026-12 OF DURHAM, NEW HAMPSHIRE

RESCINDING AUTHORIZED AND UNISSUED DEBT FROM 2014 AND 2021 IN THE AMOUNT OF SIX HUNDRED AND NINE THOUSAND AND FIVE HUNDRED DOLLARS ($609,500.00)

WHEREAS, the Durham Town Council, through adoption of Resolutions approving the yearly budgets for 2014 and 2021, to include the Capital Fund Budgets, has authorized the issuance of debt; and

WHEREAS, over the years the projects authorized for funding through debt have been completed under budget or have not been completed, leaving a balance of authorized and unissued debt to be rescinded; and

WHEREAS, in order to properly reflect the authorized and unissued debt in the Town's financial statements, it is proper to rescind the authorization for long-term debt that is not needed and will not be used as intended; and

WHEREAS, RSA 33:8-f allows the Town to vote to rescind authorized and unissued debt not less than five years after the vote to authorize following the same procedures as would be required to adopt such bond or note; and

WHEREAS, a public hearing notice was published in the *Foster's Daily Democrat* on Thursday, and was posted on the public bulletin board located outside of the Town Hall, at the Department of Public Works, and the Durham Public Library; and

WHEREAS, on Monday, September 14, 2026, a duly posted public hearing was held, in accordance with NH RSA 33:8-f on Resolution #2026-12 to Rescind Authorized and Unissued Debt from 2014 and 2026 in the amount of Six Hundred and Nine Thousand and Five Hundred Dollars ($609,500.00) as follows;

- 2014 Project Approved via Resolution 2013-28 dated 12/16/13 for $499,500.00 for Stormwater Management System Improvements

- 2021 Project Approved via Resolution 2020-21 dated 12/22/20 for $850,000.00 for the purchase of 66 Main Street of which all but $110,000.00 has been bonded

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire, does hereby adopt **Resolution #2026-12** Rescinding Authorized and Unissued Debt from 2014 and 2021 in the amount of Six Hundred and Nine Thousand and Five Hundred Dollars ($609,500.00);

PASSED AND ADOPTED this day of by a **two-thirds (2/3) majority vote** of the Durham Town Council with ________ affirmative votes, negative votes, and _______abstentions.

____
Joseph Friedman
Durham Town Council

ATTEST:

____
Rachel Deane, Town Clerk-Tax Collector

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

AGENDA ITEM: #9D TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY:	Darcy Freer, Assessor
AGENDA ITEM:	**SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ASSESSOR AND CONSENT OF THE ADMINISTRATOR, APPROVE A TY2025 PROPERTY TAX ABATEMENT RECOMMENDATION OF THE ASSESSOR AT THE LOCAL LEVEL TOTALING $636.24?**
CC PREPARED BY:	Darcy Freer, Assessor
CC PRESENTED BY:	Todd Selig, Town Administrator Darcy Freer, Assessor

AGENDA DESCRIPTION:

Each year the Town receives requests for property tax abatements. The deadline for filing abatement requests is March 2, 2026. The Town must respond to the applicants in writing by July 1, 2026, or the application is automatically denied.

The Assessor's Office has reviewed abatement requests received to date, conducted site inspections, and met with those property owners or tax representatives who requested a meeting. These inspections and meetings have been held on an ongoing basis. Once these meetings concluded, the Assessor reviewed the requests in more detail and formulated recommendations. If the taxpayer has appealed their assessment with the municipality and is dissatisfied with the decision of the Town, they may appeal the abatement to either the New Hampshire Board of Tax and Land Appeals or Superior Court, but not both.

Attached for the Council's review and information are abatement recommendations for the following properties:

1. **Twickler – 9 Stevens Way**
   Recommendation: **GRANT** (for Tax Year 2025). The Assessor recommends granting the abatement request in the amount of $636.24 including interest through 8/20/26. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

LEGAL AUTHORITY:

RSA 76:16 describes the process for the apportionment, assessment, and abatement of property taxes.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

As part of the FY 2026 budget, the Town of Durham has appropriated $175,000 to be used for tax abatement/appeal purposes. To date, the Town has abated $80,812.17 to taxpayers who have appealed their assessments with the municipality, to the Board of Tax and Land Appeals or Superior Court.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, Upon Recommendation of the Assessor and consent of the Administrator, Approve a TY2025 Property Tax Abatement Recommendation of the Assessor at the Local Level Totaling $636.24.

TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8064
Fax: 603/868-8033

ABATEMENT RECOMMENDATION UPDATED

DATE: August 3, 2026

TOWN OF: Durham

TO: Town Council

FROM: Darcy Freer, CNHA

OWNER: Mark S Twickler Revocable Trust
9 Stevens Way
Durham, NH 03824

REPRESENTATIVE: N/A

PROPERTY LOCATION: 9 Stevens Way, Durham, NH 03824

PID: 113-108

PROPERTY TAX YEAR(S) APPEALED: 2025

APPLICATION FILING DATE: 1/16/26

INVENTORY FILING DATE (Filing Date April 15th): N/A

ASSESSMENT APPEALED: $621,900

Municipalities may abate taxes “for good cause shown.” RSA 76:16. Good cause is generally established by showing an error in the assessment calculation or a disproportionate assessment. Good cause can also be established by showing poverty and inability to pay the tax. If the abatement application is based on disproportionate assessment, the taxpayer has the burden to show how the assessment was disproportionate. To carry this burden the taxpayer must show:

a. What the property was worth (market value) on the assessment date.

b. The property’s “equalized assessment” exceeded the property’s market value. To calculate the equalized assessment, simply divide the assessment by the municipality’s equalization ratio (assessment ÷ ratio). Because a property’s market value is a crucial issue, **taxpayers must have an opinion of the market value estimate. Obtaining an appraisal or presenting sales of comparable properties can show this value estimate.**

REASON FOR APPEAL: The owner has applied for an abatement of their 2025 property taxes because they believe the assessment of $621,900 exceeds market value. They provided an appraisal with the application which reconciles a market value of the property of $580,000

ASSESSORS COMMENTS: The subject property is a Ranch style home, which was constructed in 1983 and per the property record card has 1,120 sf of living area above grade and 724 sf of finished basement. It is situated on 1.00 acre of land and is considered to be in average condition for its age. The exterior of the property was inspected on 3/25/26, at this time an interior inspection was denied by the homeowner. After receiving the initial denial decision by Council, the homeowner scheduled an interior inspection that took place on 7/8/26.

During the initial inspection, it was found that the property had ductless AC and that some measurements needed to be corrected. The overall adjustment for these factors had a positive effect on value. After the interior inspection, it was discovered that the overall grade of the house more aligns with an average rating rather than average +10. At its core the house is a standard ranch with a newer garage addition. Additionally, it was noted that the entry way is unheated and a correction was made for this. Also, for various items of deferred maintenance and septic issues an additional minimal functional depreciation of 2% was added. These adjustments reflect a new assessment of $589,000 which is within 1.5% of the cited market value in the applicant’s appraisal.

RECOMMENDATION: After completing a thorough review of the property, including all elements of value, and based upon the above information, I recommend reducing the overall assessment from $621,900 to $589,000 and granting the abatement for the assessed value difference of $32,900. This calculates to an abatement of **$636.24** including interest (interest is calculated to a repayment date of April 24, 2026, and is subject to change per tax collector). If the taxes have not been paid, then no refund or interest is due.

Town of Durham, NH
Property Tax Bill Calculation

Owner	Mark S Twickler Rev Trust
PID	113-108
Address	9 Stevens Way

WHAT WAS TAXED

Total Assessed Value	502,500	621,900
Exemption (solar,)	-	-
Value Tax Applied To:	502,500.00	621,900.00
Credit (veterans,)	-	-
Tax Bill#:	118084	121676
PropTax Issue 1st or 2nd	1	2
Due Date:	7/3/2025	1/12/2026
Paid Date:	7/1/2025	1/8/2026
Tax Rate Applied:		
Town	2.875	5.120
County	0.925	1.900
Local School	5.760	10.790
State School	0.605	1.060
Total Rate	10.165	18.870
tax will be roughly	5,107.91	11,735.25
Resulting in Taxes of:		
Town	1,445.00	3,184.00
County	465.00	1,182.00
Local School	2,894.00	6,710.00
State School	304.00	659.00
Tax Calculated	5,108.00	11,735.00
Less Credit & 1st Bill		
is the Amount Billed:	5,108.00	6,627.00

WHAT SHOULD HAVE BEEN TAXED

Total Assessed Value	502,500	589,000
Exemption (solar,)	-	-
Value Tax Applied To:	502,500.00	589,000.00
Credit (veterans,)	-	-
Tax Bill#:	118084	121676
PropTax Issue 1st or 2nd	1	2
Due Date:	7/3/2025	1/12/2026
Paid Date:	7/1/2025	1/8/2026
Tax Rate Applied:		
Town	2.875	5.120
County	0.925	1.900
Local School	5.760	10.790
State School	0.605	1.060
Total Rate	10.165	18.870
tax will be roughly	5,107.91	11,114.43
Resulting in Taxes of:		
Town	1,445.00	3,016.00
County	465.00	1,119.00
Local School	2,894.00	6,355.00
State School	304.00	624.00
Tax Calculated	5,108.00	11,114.00
Less Credit & 1st Bill		
is the Amount Billed:	5,108.00	6,006.00

WHAT SHOULD BE ABATED

Difference in Billed-SHB = Abate	-	621.00	**621.00**	**= To Be Abated**
RSA 76:17-a Rate of Interest Pybl	4.00%	4.00%		
Enter Date Town will Payback	8/20/2026	8/20/2026		
Number of Days of Interest =	415	224		
Interest Payable	-	15.24	**15.24**	**= Interest Owed**
Less Previously Abated Amount of				
Total To Be Abated	-	**636.24**	**636.24**	

RECEIVED
Town of Durham
JAN 16 2026
Planning, Zoning
and Assessing

FOR MUNICIPALITY USE ONLY:
Town File No.: 25-6
Taxpayer Name: Twickler

RSA 76:16 ABATEMENT APPLICATION TO MUNICIPALITY

SECTION A. **Party(ies) Applying (Owner(s)/Taxpayer(s))**

Name(s): Mark TwicklerRev Trust

Mailing Address: 9 Stevens Way

Telephone Number(s): (Work) ____________ (Home) 603-988-8057

Note: If an abatement is granted and taxes have been paid, interest on the abatement shall be paid in accordance with RSA 76:17-a. Any interest paid to the applicant must be reported by the municipality to the United States Internal Revenue Service, in accordance with federal law. Prior to the payment of an abatement with interest, the taxpayer shall provide the municipality with the applicant's social security number or federal tax identification number. Municipalities shall treat the social security or federal tax identification information as confidential and exempt from a public information request under RSA 91-A.

SECTION B. **Party's(ies') Representative if other than Person(s) Applying (Also Complete Section A)**

Name(s): Mark Twickler

Mailing Address: 9 Stevens Way

Telephone Number(s): (Work) ____________ (Home) 603-988-8057

SECTION C. **Property(ies) for which Abatement is Sought**

List the tax map and lot number, the actual street address and town of each property for which abatement is sought, a brief description of the parcel, and the assessment.

Town Parcel ID#	Street Address/Town	Description	Assessment
003-108-0-0-0	9 Stevens Way	Residence	$621,900

SECTION D. Other Property(ies)

List other property(ies) in the municipality owned in the same name(s), even if abatements for the other property(ies) have not been sought. The taxpayer's entire real property estate must be considered in determining whether the appealed property(ies) is (are) disproportionately assessed.

Town Parcel ID#	Street Address/Town	Description	Assessment

SECTION E. Reasons for Abatement Application

RSA 76:16 provides that an abatement may be granted for "good cause shown." "Good cause" generally means: 1) establishing an assessment is disproportionate to market value and the municipality's level of assessment; or 2) establishing poverty and inability to pay the tax. This form can be utilized for either basis of requesting an abatement. The taxpayer has the burden to prove good cause for an abatement.

1) If claiming disproportionality, state with specificity all the reasons supporting your application. Statements such as "taxes too high," "disproportionately assessed" or "assessment exceeds market value" are insufficient. Generally, specificity requires the taxpayer to present material on the following (all may not apply):

   1. physical data – incorrect description or measurement of property;
   2. market data – the property's market value on the April 1 assessment date, supported by comparable sales or a professional opinion of value; and/or
   3. level of assessment – the property's assessment is disproportionate by comparing the property's market value and the town-wide level of assessment.

Note: If you have an appraisal or other documentation, please submit it with this application.

2) If claiming poverty or inability to pay, state in detail why abatement of taxes is appropriate as opposed to some other relief such as relocating, refinancing or obtaining some alternative public assistance. Ansara v. City of Nashua, 118 N.H. 879 (1978).

   (Attach additional sheets if needed.)

SECTION F. Taxpayer's(s') Opinion of Market Value

State your opinion of the market value of the property(ies) appealed as of April 1 of the year under appeal.

Town Parcel ID# 113-108-0-0-0 Appeal Year Market Value $580,000

Town Parcel ID# ____________ Appeal Year Market Value $____________

Explain the basis for your value opinion(s). (Attach additional sheets if necessary.)

See Apprasial

SECTION G. Sales, Rental and/or Assessment Comparisons

List the properties you are relying upon to show overassessment of your property(ies). If you are appealing an income producing property, list the comparable rental properties and their rents.
(Attach additional sheets if needed.)

Town Parcel ID#	Street Address	Sale Price/Date of Sale	Rents	Assessment
See Apprasial				

SECTION H. Certification by Party(ies) Applying

Pursuant to BTLA Tax 203.02(d), the applicant(s) **MUST** sign the application. By signing below, the Party(ies) applying certifies (certify) and swear(s) under the penalties of RSA ch. 641 the application has a good faith basis, and the facts stated are true to the best of my/our knowledge.

Date: 1/16/26 ____________________ (Signature)

____________________ (Signature)

SECTION I. **Certification and Appearance by Representative (If Other Than Party(ies) Applying)**

By signing below, the representative of the Party(ies) applying certifies and swears under penalties of RSA ch. 641:

1. all certifications in Section H are true;

2. the Party(ies) applying has (have) authorized this representation and has (have) signed this application; and

3. a copy of this form was sent to the Party(ies) applying.

Date: ____________________ ____

(Representative's Signature)

SECTION J. **Disposition of Application* (For Use by Selectmen/Assessor)**

*RSA 75:16, II states: the municipality "shall review the application and shall grant or deny the application in writing by July 1 after notice of tax date . . . ."

Abatement Request: GRANTED ____________ Revised Assessment: $_____________ DENIED __________

Remarks:

____

____

____

____

____

Date: ____________________

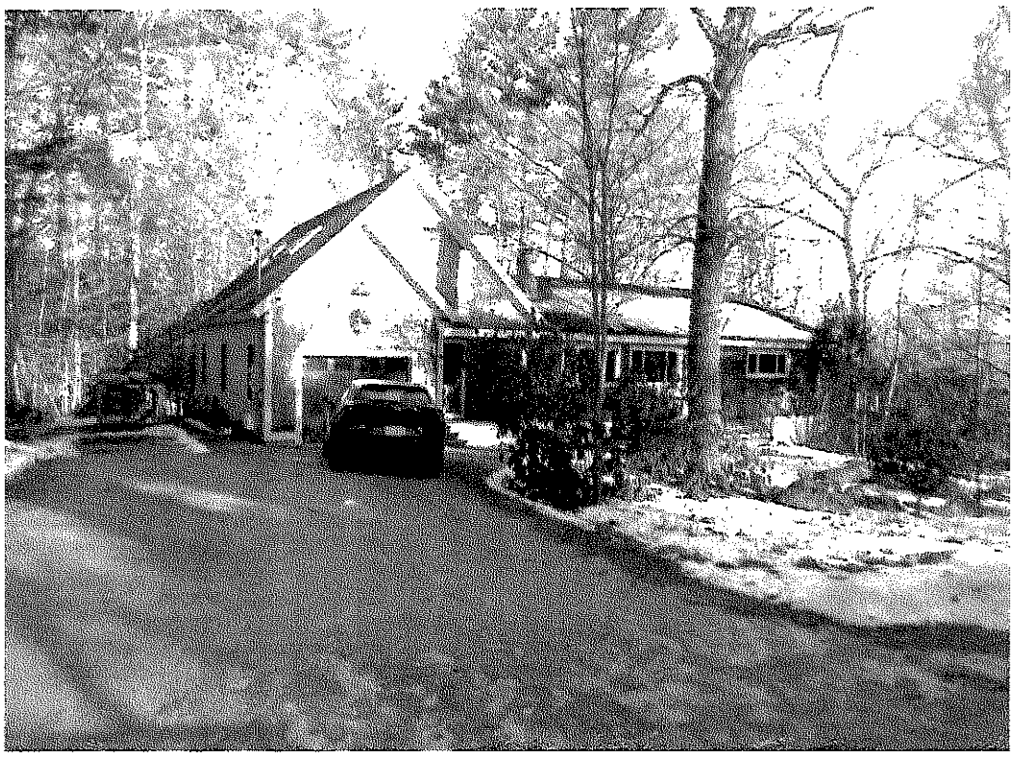
______________________________ ______________________________

(Selectmen/Assessor Signature) (Selectmen/Assessor Signature)

______________________________ ______________________________

(Selectmen/Assessor Signature) (Selectmen/Assessor Signature)

Rev. 3/12



APPRAISAL OF REAL PROPERTY

LOCATED AT:

9 Stevens Way
Durham, NH 03824

FOR:

Mark Twickler Rev. Trust
9 Stevens Way
Durham, NH 03824

AS OF:

12/22/2025

BY:

Bryan S DuBois
Certified General Appraiser
#NHCG-474

Lawrence E. DuBois Associates
Real Estate Appraising
PO Box 43
Barrington, New Hampshire 03825
(603) 749-2143 Fax (603) 749-9008

December 30, 2025

Mark Twickler Rev. Trust
9 Stevens Way
Durham, NH 03824

Dear Mark:

Pursuant to your request, we have prepared an appraisal report of the property located at 9 Stevens Way, Durham, NH. The intended use of the report is to challenge the town's assessment.

The accompanying report is based on a site inspection of improvements, investigation of the subject neighborhood area of influence, and review of sales, cost, and income data for similar properties. The subject property's improvements have been inspected only to the extent necessary to note readily observable conditions, consistent with the typical inspection performed by an appraiser for a residential appraisal assignment, not to be confused with a home inspection or building inspection performed by one who specializes in that field.

This appraisal has been made with particular attention paid to applicable value-influencing economic conditions and has been processed in accordance with the Uniform Standards of Professional Appraisal Practice.

The value conclusions stated herein are as of the effective date as stated in the body of the appraisal, and contingent upon the certification and limiting conditions attached.

Please do not hesitate to contact me or any of our staff if we may be of additional service to you.

Respectfully,

Bryan S. DuBois
Certified General Appraiser
#NHCG-474

SUMMARY OF SALIENT FEATURES

SUBJECT INFORMATION	Subject Address	9 Stevens Way
	Legal Description	Book 4058 Page 164
	City	Durham
	County	Strafford
	State	NH
	Zip Code	03824
	Census Tract	0801.00
	Map Reference	40484
SALES PRICE	Sale Price	$ N/A
	Date of Sale	N/A
CLIENT	Owner	Mark Twickler Rev. Trust
	Client	Mark Twickler Rev. Trust
DESCRIPTION OF IMPROVEMENTS	Size (Square Feet)	1,288
	Price per Square Foot	$ N/A
	Location	Average
	Age	42 years
	Condition	Avg-good
	Total Rooms	5
	Bedrooms	3
	Baths	1
APPRAISER	Appraiser	Bryan S DuBois
	Date of Appraised Value	12/22/2025
VALUE	Final Estimate of Value	$ 580,000

APPRAISAL PROCESS

There are three basic approaches that may be used by appraisers in the estimation of Market Value. These three approaches provide data from the market from three different sources when all are available. These three approaches are the Direct Sales Comparison Approach, the Gross Rent Multiplier Analysis (if an investment property), and the Cost Approach.

The Direct Sales Comparison Approach has as its premise a comparison of the subject property with others of a similar design, utility, and use that have sold in the recent past. To indicate a value for the property, adjustments are made to the comparables for differences with the subject.

The Gross Rent Multiplier Analysis has as its premise the translating of monthly rental value into an estimate of capitalized income by duration of the amenity returns in future years. For residential properties the Gross Rent Multiplier Analysis is regarded as the Income Approach because it is based on the capacity of the residence to produce rental income. The Income approach as used for investment properties has as its premise the estimation of the amount of the net income, which when capitalized in a manner that is commensurate with the risk and the life expectancy of the improvements, will indicate the present value of the income stream.

The Cost Approach has as its premise the valuation of the site by comparison with other sites in the area that have sold in the recent past, plus the cost to reconstruct or reproduce any improvements, less any loss of value (depreciation) to those improvements that might have transpired or taken place.

Normally, these three approaches will each indicate a different value. After all the factors in each of the approaches have been carefully weighted, the indications of value derived from each of the approaches are correlated to arrive at a final value estimate.

HIGHEST AND BEST USE

Real estate is valued in terms of its highest and best use of the land (or site) if vacant and available for use. This may be different from the highest and best use of the improved use, and yet makes a contribution to total property value in excess of the value of the site.

Definition: That reasonable and probable use that will support the highest and present value, as defined, as of the effective date of the appraisal. Alternatively, that use, from among reasonably probable and legal alternative uses, found to be physically possible, appropriately supported, financially feasible, and which results in highest land value.

Assumptions, Limiting Conditions & Scope of Work

File No.: 0280-25

Property Address: 9 Stevens Way City: Durham State: NH Zip Code: 03824
Client: Mark Twickler Rev. Trust Address: 9 Stevens Way, Durham, NH 03824
Appraiser: Bryan S DuBois Address: PO Box 43, Barrington, NH 03825

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database.
- An appraisal of real property is not a 'home inspection' and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

The scope of work for this appraisal report included an inspection of the subject's site and improvements, research and collection of data pertaining to the subject's neighborhood influences and the subject's property rights. Value estimation was based on the Sales Comparison Approach and the Cost Approach. Data sources used in these approaches include Multiple Listing Services, Registry Review, city records, realtors, appraisers, the county's Registry of Deeds and Marshall and Swift Residential Cost Handbook.

Reasonable Exposure Time:

My opinion of reasonable exposure time for the subject is 30 days based on the market conditions noted in the report and the comparables used.

Prior Services:

I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

Certifications

File No.: 0280-25

Property Address: 9 Stevens Way City: Durham State: NH Zip Code: 03824

Client: Mark Twickler Rev. Trust Address: 9 Stevens Way, Durham, NH 03824

Appraiser: Bryan S DuBois Address: PO Box 43, Barrington, NH 03825

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.

Additional Certifications:

DEFINITION OF MARKET VALUE *:

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

SIGNATURES

Client Contact: Mark Twickler Client Name: Mark Twickler Rev. Trust

E-Mail: marktwickler@gmail.com Address: 9 Stevens Way, Durham, NH 03824

APPRAISER	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
Appraiser Name: Bryan S DuBois	Supervisory or Co-Appraiser Name:
Company: Lawrence E. DuBois Associates	Company:
Phone: (603) 749-2143 Fax: (603) 749-9008	Phone: Fax:
E-Mail: bryan@duboisappraising.com	E-Mail:
Date Report Signed: 12/30/2025	Date Report Signed:
License or Certification #: NHCG-474 State: NH	License or Certification #: State:
Designation: Certified General Appraiser	Designation:
Expiration Date of License or Certification: 11/30/2027	Expiration Date of License or Certification:
Inspection of Subject: ☒ Interior & Exterior ☐ Exterior Only ☐ None	Inspection of Subject: ☐ Interior & Exterior ☐ Exterior Only ☐ None
Date of Inspection: 12/22/2025	Date of Inspection:

Lawrence E. DuBois Associates

RESIDENTIAL APPRAISAL SUMMARY REPORT

File No.: 0280-25

SUBJECT

Property Address: 9 Stevens Way | City: Durham | State: NH | Zip Code: 03824
County: Strafford | Legal Description: Book 4058 Page 164
Assessor's Parcel #: Map 113 Lot 108
Tax Year: 2025 | R.E. Taxes: $ 11,735 | Special Assessments: $ 0 | Borrower (if applicable): N/A
Current Owner of Record: Mark Twickler Rev. Trust | Occupant: ☒ Owner ☐ Tenant ☐ Vacant | ☐ Manufactured Housing
Project Type: ☐ PUD ☐ Condominium ☐ Cooperative ☐ Other (describe) | HOA: $ 0 ☐ per year ☐ per month
Market Area Name: N/A | Map Reference: 40484 | Census Tract: 0801.00

ASSIGNMENT

The purpose of this appraisal is to develop an opinion of: ☒ Market Value (as defined), or ☐ other type of value (describe)
This report reflects the following value (if not Current, see comments): ☐ Current (the Inspection Date is the Effective Date) ☒ Retrospective ☐ Prospective
Approaches developed for this appraisal: ☒ Sales Comparison Approach ☒ Cost Approach ☐ Income Approach (See Reconciliation Comments and Scope of Work)
Property Rights Appraised: ☒ Fee Simple ☐ Leasehold ☐ Leased Fee ☐ Other (describe)
Intended Use: The intended use of the report is to challenge the town's assessment.

Intended User(s) (by name or type): The intended users are the client and the town of Durham.
Client: Mark Twickler Rev. Trust | Address: 9 Stevens Way, Durham, NH 03824
Appraiser: Bryan S DuBois | Address: PO Box 43, Barrington, NH 03825

MARKET AREA DESCRIPTION

Location:	☐ Urban	☒ Suburban	☐ Rural
Built up:	☒ Over 75%	☐ 25-75%	☐ Under 25%
Growth rate:	☐ Rapid	☒ Stable	☐ Slow
Property values:	☐ Increasing	☒ Stable	☐ Declining
Demand/supply:	☒ Shortage	☐ In Balance	☐ Over Supply
Marketing time:	☒ Under 3 Mos.	☐ 3-6 Mos.	☐ Over 6 Mos.

Predominant Occupancy	One-Unit Housing PRICE $(000)		AGE (yrs)	Present Land Use		Change in Land Use
☒ Owner				One-Unit	97 %	☒ Not Likely
☐ Tenant				2-4 Unit	1 %	☐ Likely * ☐ In Process *
☒ Vacant (0-5%)	400	Low	0	Multi-Unit	1 %	* To:
☐ Vacant (>5%)	1,200	High	325	Comm'l	1 %	
	Mixed	Pred	Mixed		%	

Market Area Boundaries, Description, and Market Conditions (including support for the above characteristics and trends): The subject's neighborhood is bounded by Oyster River and Faculty Rd to the north, Mill Pond to the east, Wednesday Hill Road to the south and the Lee town line to the west. The subject's neighborhood consists of primarily single family homes with several smaller subdivisions off of Mill Pond Road and Packers Falls Road. The University of New Hampshire and town offices are just north of the subject's neighborhood with easy access to employment centers and shopping. Railroad tracks run through the neighborhood. These are market accepted and not adverse to value. No adverse factors were noted.

SITE DESCRIPTION

Dimensions: Irregular - see deed | Site Area: 1.0 acre
Zoning Classification: Residence B | Description: 40,000 minimum lot size with 150' minimum road frontage requirements.
Zoning Compliance: ☒ Legal ☐ Legal nonconforming (grandfathered) ☐ Illegal ☐ No zoning
Are CC&Rs applicable? ☒ Yes ☐ No ☐ Unknown | Have the documents been reviewed? ☒ Yes ☐ No | Ground Rent (if applicable) $ /
Highest & Best Use as improved: ☒ Present use, or ☐ Other use (explain)

Actual Use as of Effective Date: Single family with ADU | Use as appraised in this report: Single family with ADU
Summary of Highest & Best Use: The subject's highest and best use is its current use. The use is legal, the improvements contribute to the overall value and other uses would not produce a higher return.

Utilities	Public	Other	Provider/Description	Off-site Improvements	Type	Public	Private		
Electricity	☒	☐		Street	Paved asphalt	☒	☐	Topography	Sloping
Gas	☐	☒	Bottled	Curb/Gutter	None	☐	☐	Size	1.0 acre
Water	☒	☐		Sidewalk	None	☐	☐	Shape	Irregular
Sanitary Sewer	☐	☒	Septic	Street Lights	None	☐	☐	Drainage	Appears adequate
Storm Sewer	☐	☐		Alley	None	☐	☐	View	Woods, neighborhood

Other site elements: ☐ Inside Lot ☐ Corner Lot ☐ Cul de Sac ☐ Underground Utilities ☐ Other (describe)
FEMA Spec'l Flood Hazard Area ☐ Yes ☒ No | FEMA Flood Zone X | FEMA Map # 33017C0381E | FEMA Map Date 09/30/2015
Site Comments: The lot is open around the improvements with a wooded buffer giving privacy from neighboring properties..

DESCRIPTION OF THE IMPROVEMENTS

General Description		Exterior Description		Foundation		Basement ☐ None		Heating	
# of Units	1 ☒ Acc.Unit	Foundation	Concrete	Slab	None	Area Sq. Ft.	1,120	Type	EBB, HA
# of Stories	1	Exterior Walls	Wood shingles	Crawl Space	Partial	% Finished	100%	Fuel	Electric
Type	☒ Det. ☐ Att. ☐	Roof Surface	Asphalt shingles	Basement	Full	Ceiling	Drywall		
Design (Style)	Ranch	Gutters & Dwnspts.	None	Sump Pump	☐	Walls	Drywall	**Cooling**	
☒ Existing ☐ Proposed ☐ Und.Cons.		Window Type	Double Hung	Dampness	☐	Floor	Lam.,Vinyl	Central	None
Actual Age (Yrs.)	42 years	Storm/Screens	Insulated/Yes	Settlement	None observed	Outside Entry	Walkout	Other	Split system
Effective Age (Yrs.)	10-15			Infestation	None observed				

Interior Description		Appliances		Attic ☐ None		Amenities			Car Storage ☐ None	
Floors	Hardwood,Vinyl,Tile	Refrigerator	☒	Stairs	☐	Fireplace(s) #		Woodstove(s) #	Garage	# of cars (5 Tot.)
Walls	Drywall	Range/Oven	☒	Drop Stair	☐	Patio			Attach.	1
Trim/Finish	Wood/Paint	Disposal	☐	Scuttle	☒	Deck	Wooden		Detach.	
Bath Floor	Vinyl	Dishwasher	☒	Doorway	☐	Porch	Open		Blt.-In	
Bath Wainscot	Tub,shower enclosure	Fan/Hood	☒	Floor	☐	Fence			Carport	
Doors	Hollow core, molded	Microwave	☐	Heated	☐	Pool			Driveway	4
		Washer/Dryer	☐	Finished	☐				Surface	Paved asphalt

Finished area above grade contains: 5 Rooms 3 Bedrooms 1 Bath(s) 1,288 Square Feet of Gross Living Area Above Grade
Additional features: The lower level has a 698 square foot, 1 bedroom accessory dwelling unit. The remaining 422 square foot of the basement has partial finish.
Describe the condition of the property (including physical, functional and external obsolescence): Overall, the subject is in average to good condition. Depreciation is physical from normal wear. The roof does have some curling shingles and the ridge vent appears to be reaching the end of its useful life. No functional or external inadequacies noted. The quality is considered average with hardwood flooring in most of the rooms above grade except the kitchen and mudroom. The kitchen cabinets are older but have dovetail construction and the counter tops are laminate. The mud room's electric baseboard has been removed and is not heated. The area is finished in quality equal to the other areas of the dwelling and has a crawlspace foundation. The area was included in the gross living area as its contributory value would be the same if it was included in the gross living area or if it were considered as a separate amenity.

RESIDENTIAL APPRAISAL SUMMARY REPORT

File No.: 0280-25

TRANSFER HISTORY

My research ☐ did ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data Source(s): Town records

1st Prior Subject Sale/Transfer	
Date:	N/A
Price:	N/A
Source(s):	N/A
2nd Prior Subject Sale/Transfer	
Date:	N/A
Price:	N/A
Source(s):	N/A

Analysis of sale/transfer history and/or any current agreement of sale/listing: As per prime MLS and the owner, the subject was not listed for sale in the year preceding the effective date of the report.

SALES COMPARISON APPROACH

SALES COMPARISON APPROACH TO VALUE (if developed) ☐ The Sales Comparison Approach was not developed for this appraisal.

FEATURE	SUBJECT	COMPARABLE SALE # 1		COMPARABLE SALE # 2		COMPARABLE SALE # 3	
Address	9 Stevens Way Durham, NH 03824	13 Ffrost Dr Durham, NH 03824		1 Ffrost Dr Durham, NH 03824		201 Wednesday Hill Rd Durham, NH 03824	
Proximity to Subject		1.11 miles SE		1.11 miles E		1.87 miles SW	
Sale Price	$ N/A		$ 610,000		$ 530,000		$ 565,000
Sale Price/GLA	$ /sq.ft.	$ 395.08 /sq.ft.		$ 450.68 /sq.ft.		$ 434.62 /sq.ft.	
Data Source(s)	Inspection	Prime MLS #5003782		Prime MLS #4994201		Prime MLS #5028751	
Verification Source(s)	Town records	Town records, Broker		Town records		Town records	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) $ Adjust.	DESCRIPTION	+(-) $ Adjust.	DESCRIPTION	+(-) $ Adjust.
Sales or Financing Concessions	N/A	Dom 0 Cash, $10,000	-10,000	Dom 8 Conv.		Dom 4 Cash	
Date of Sale/Time	N/A	07/01/2024		06/26/2024		03/07/2025	
Rights Appraised	Fee simple	Fee simple		Fee simple		Fee simple	
Location	Average	Average		Average		Average	
Site	1.0 acre	.95 acre		1.19 acre		1.0 acre	
View	Woods/Neighborhd	Neighborhood		Neighborhood		Woods/Neighborhd	
Design (Style)	Ranch	Raised Ranch		Raised Ranch		Raised Ranch	
Quality of Construction	Average	Average		Average		Average	
Age	42 years	55 years		56 years		55 years	
Condition	Avg-good	Inferior	+25,000	Avg-good		Superior	-10,000
Above Grade	Total Bdrms Baths	Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths	
Room Count	5 3 1	6 3 2	-10,000	5 3 1		6 3 1	
Gross Living Area	1,288 sq.ft.	1,544 sq.ft.	-15,400	1,176 sq.ft.	+6,700	1,300 sq.ft.	
Basement & Finished Rooms Below Grade	Full 422 sf finished	Full 624 sf unfinished	-6,100	Full, Full Bath 552 sf finished	-5,000 -3,900	Full, Half bath 624 sf finished	-3,000 -6,100
Functional Utility	Average	Average		Average		Average	
Heating/Cooling	EBB,HA/Split	FHW/None		EBB/None	+5,000	FHW/None	
Energy Efficient Items	Standard	Standard		Standard		Standard	
Garage/Carport	1 car attached	2 car attached	-20,000	2 car under	+10,000	2 car under	+10,000
Porch/Patio/Deck	Deck, Small porch	Large deck	-4,000	Deck, Generator	-4,000	Screen porch	-4,000
Amenities	None	None		Fireplace, Hearth	-10,000	Fireplace, Hearth	-10,000
Amenities	698 sf ADU	676 sf ADU		None	+41,900	None	+41,900
Net Adjustment (Total)		☐ + ☒ -	$ -40,500	☒ + ☐ -	$ 40,700	☒ + ☐ -	$ 18,800
Adjusted Sale Price of Comparables		Net 6.6 % Gross 14.8 %	$ 569,500	Net 7.7 % Gross 16.3 %	$ 570,700	Net 3.3 % Gross 15.0 %	$ 583,800

Summary of Sales Comparison Approach Based on the available data, the subject's value was estimated at $580,000. The adjusted comparables indicate a range from $546,500 to $627,600. The high end of the range was not chosen because it is only indicated by one sale and its ADU is above grade. The low

n. The median adjusted price is $570,700 and the equal weighted average calculates to

keting around $570,000. The slightly higher amount was chosen taken into account that

pair analysis, sensitivity analysis, land sales and cost data.

omparables do not conclusively indicate that a time adjustment is required. The fact that an

erall estimated value. Differences in gross living area were adjusted at $60 per square foot.

nsidered in the gross living area adjustment. Bathrooms were adjusted at $10,000 for a full

area was adjusted at $30 per square foot, $5,000 for a full bathroom and $3,000 for a half

foot. This adjustment includes the kitchen and bathroom areas. Amenities were adjusted at

d generator, $10,000 for a large deck and screen porch. Both comparables #1 and #4 have

but were included in the gross living area because the subject's mud room was included in

and $5,000 per car under and for a carport. Comparables with forced hot water heat were

has cooling which off sets the inferior appeal of electric heat and no adjustment was

ir were adjusted downward $5,000.

ables.

13 Ffrost

1400 SF

690 Fn BMT

624 unfin

- for unfin bmt = superior?

adj = 233

WDK = 360 SF

-4,000?

$31/SF

Indicated Value by Sales Comparison Approach $ 580,000

ADDITIONAL COMPARABLE SALES

File No.: 0280-25

SALES COMPARISON APPROACH

FEATURE	SUBJECT	COMPARABLE SALE # 4		COMPARABLE SALE # 5		COMPARABLE SALE # 6	
Address	9 Stevens Way Durham, NH 03824	8 Thompson Ln Durham, NH 03824		13 Littlehale Rd Durham, NH 03824			
Proximity to Subject		0.52 miles NE		1.60 miles NE			
Sale Price	$ N/A		$ 589,000		$ 532,000		$
Sale Price/GLA	$ /sq.ft.	$ 583.17 /sq.ft.		$ 495.34 /sq.ft.		$ /sq.ft.	
Data Source(s)	Inspection	Prime MLS #4994914		Prime MLS #4974858			
Verification Source(s)	Town records	Town records		Town records			
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) $ Adjust.	DESCRIPTION	+(-) $ Adjust.	DESCRIPTION	+(-) $ Adjust.
Sales or Financing Concessions	N/A	Dom 3 Cash		Dom 41 Cash			
Date of Sale/Time	N/A	05/31/2024		12/22/2023			
Rights Appraised	Fee simple	Fee Simple		Fee simple			
Location	Average	Average		Average			
Site	1.0 acre	.32 acre		.58 acre			
View	Woods/Neighborhd	Neighborhood		Neighborhood			
Design (Style)	Ranch	Cape		Raised Ranch			
Quality of Construction	Average	Average		Average			
Age	42 years	75 years		46 years			
Condition	Avg-good	Avg-good		Avg-good	-10,000		
Above Grade	Total Bdrms Baths	Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths	
Room Count	5 3 1	6 3 1.1	-5,000	4 2 1			
Gross Living Area	1,288 sq.ft.	1,010 sq.ft.	+16,700	1,074 sq.ft.	+12,800	sq.ft.	
Basement & Finished Rooms Below Grade	Full 422 sf finished	Full Unfinished	+12,700	Full 711 sf finished	-8,700		
Functional Utility	Average	Average		Average			
Heating/Cooling	EBB,HA/Split	FHW,monitor/Cntrl	-5,000	FHW/Central	-5,000		
Energy Efficient Items	Standard	Standard		Standard			
Garage/Carport	1 car attached	1 car att, carport	-5,000	None	+20,000		
Porch/Patio/Deck	Deck, Small porch	None	+6,000	Deck, patio	-4,000		
Amenities	None	None		None			
Amenities	698 sf ADU	395 sf ADU	+18,200	541 sf ADU	+9,400		
Net Adjustment (Total)		☒ + ☐ -	$ 38,600	☒ + ☐ -	$ 14,500	☐ + ☐ -	$
Adjusted Sale Price of Comparables		Net 6.6 % Gross 11.6 %	$ 627,600	Net 2.7 % Gross 13.1 %	$ 546,500	Net % Gross %	$

Summary of Sales Comparison Approach Comparable #1 was a for sale by owner. The buyer's sister was a broker and helped with the transaction. The home has some interior painting but needed some renovations including the ADU. The septic inspection also noted that it had failed. The seller gave back $10,000 at closing. This amount was deducted under financing. A $25,000 condition adjustment was made for the failed septic and interior work needed. The adjustment takes into account the subject's roof.

Comparable #2 is located on the same street as comparable #1 and sold within a week of each other. It lacks an ADU but gives good support for the ADU adjustment when matched paired with comparable #1. It had some updating to include cabinets and bathroom fixtures but also had an older roof. Overall it was considered similar in condition.

Comparable #3 was purchased on 08/23/2024 for $411,000. At that time it was listed through a broker and considered an arm's length transaction. It needed significant work at that time. The buyer completed renovations to include a new kitchen, bathroom fixtures and refinished floors. Because the comparable had a new roof, a $10,000 adjustment was made under condition. Although it lacks the ADU, it is a recent sale and gives added support to value.

Comparable #4 had exterior renovations including roof and siding but the interior had a dated appearance. Overall the home was considered similar to the subject in condition and an adjustment was not required. Its ADU is located above grade which could have superior appeal. Although an adjustment was not made this was considered. The sale indicates the upper end of the value range but was not supported by other sales and therefore received less consideration.

Comparable #5 is over a year old. It was used because it has an ADU in the lower level. It has an updated kitchen and bathroom fixtures and a newer metal roof. A $10,000 adjustment was made under condition for the roof. The comparable indicates the low end of the range but is over a year old from the effective date of the report. Because no other sale indicated a similar amount, the sale received less consideration.

RESIDENTIAL APPRAISAL SUMMARY REPORT

File No.: 0280-25

COST APPROACH

COST APPROACH TO VALUE (if developed) ☐ The Cost Approach was not developed for this appraisal.

Provide adequate information for replication of the following cost figures and calculations.

Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value):

15 Foss Farm Rd, Durham .85 acre lot sold for $255,000 on 03/22/2023

210 Longmarsh Rd, Durham 13.11 acre lot sold for $235,000 on 08/03/2022

8 Meserve Rd, Durham 2.5 acre lot improved with 1,728 sf single family home needing renovations sold for $315,000 on 06/04/2024

48 Canney Rd, Durham .65 acre lot improved with 628 sf single family home needing renovations sold for $225,000 on 12/10/2024

ESTIMATED ☐ REPRODUCTION OR ☒ REPLACEMENT COST NEW

Source of cost data: Marshall & Swift Residential Cost Handbook

Quality rating from cost service: Average Effective date of cost data: 03/25

Comments on Cost Approach (gross living area calculations, depreciation, etc.): The cost approach received supporting weight but is not considered the best indicator of market reactions. The land value was estimated at $260,000 giving the Foss Farm Rd sale the most consideration but is a year old. 8 Meserve sets the upper limits being an improved lot with a dwelling that could be used. The other two sales received less consideration but give added support.

Estimated Remaining Economic Life (if required): N/A Years

OPINION OF SITE VALUE				=$ 260,000
DWELLING	1,288 Sq.Ft. @ $	130.00		=$ 167,440
Foundation	1,120 Sq.Ft. @ $	29.75		=$ 33,320
Finished LL	1,120 Sq.Ft. @ $	38.75		=$ 43,400
	Sq.Ft. @ $			=$
	Sq.Ft. @ $			=$
Extras-see square foot form				=$ 74,299
Garage/Carport	545 Sq.Ft. @ $	53.50		=$ 29,158
Total Estimate of Cost-New				=$ 347,617
Less	Physical	Functional	External	
Depreciation	69,523			=$(69,523)
Depreciated Cost of Improvements				=$ 278,094
"As-is" Value of Site Improvements				=$ 41,000
				=$
				=$
INDICATED VALUE BY COST APPROACH				=$ 579,094

INCOME APPROACH

INCOME APPROACH TO VALUE (if developed) ☒ The Income Approach was not developed for this appraisal.

Estimated Monthly Market Rent $ N/A X Gross Rent Multiplier N/A = $ N/A **Indicated Value by Income Approach**

Summary of Income Approach (including support for market rent and GRM): The income approach was considered not applicable. Single family homes are not generally purchased for an income stream. Also there is a lack of data to support a market rent or determine a gross rent multiplier.

PUD

PROJECT INFORMATION FOR PUDs (if applicable) ☐ The Subject is part of a Planned Unit Development.

Legal Name of Project: N/A

Describe common elements and recreational facilities: N/A

RECONCILIATION

Indicated Value by: Sales Comparison Approach $ 580,000 **Cost Approach (if developed) $** 579,094 **Income Approach (if developed) $** N/A

Final Reconciliation The sales comparison approach received the most consideration with the comparables giving good support to value. The cost approach indicates a similar price and gives added support to value. The income approach was not considered applicable.

This appraisal is made ☒ "as is", ☐ subject to completion per plans and specifications on the basis of a Hypothetical Condition that the improvements have been completed, ☐ subject to the following repairs or alterations on the basis of a Hypothetical Condition that the repairs or alterations have been completed, ☐ subject to the following required inspection based on the Extraordinary Assumption that the condition or deficiency does not require alteration or repair:

☒ This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.

Based on the degree of inspection of the subject property, as indicated below, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: $ 580,000 **, as of:** 04/01/2025 **, which is the effective date of this appraisal. If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.**

ATTACHMENTS

A true and complete copy of this report contains 27 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report.

Attached Exhibits:

- ☒ Scope of Work
- ☒ Map Addenda
- ☐ Hypothetical Conditions
- ☒ Limiting Cond./Certifications
- ☒ Additional Sales
- ☒ Extraordinary Assumptions
- ☒ Narrative Addendum
- ☐ Cost Addendum
- ☒ Survey
- ☒ Photograph Addenda
- ☒ Flood Addendum
- ☒ Legal Description
- ☒ Sketch Addendum
- ☐ Manuf. House Addendum
- ☐

SIGNATURES

Client Contact: Mark Twickler

Client Name: Mark Twickler Rev. Trust

E-Mail: marktwickler@gmail.com

Address: 9 Stevens Way, Durham, NH 03824

APPRAISER	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
Appraiser Name: Bryan S DuBois	Supervisory or Co-Appraiser Name:
Company: Lawrence E. DuBois Associates	Company:
Phone: (603) 749-2143 Fax: (603) 749-9008	Phone: Fax:
E-Mail: bryan@duboisappraising.com	E-Mail:
Date of Report (Signature): 12/29/2025	Date of Report (Signature):
License or Certification #: NHCG-474 State: NH	License or Certification #: State:
Designation: Certified General Appraiser	Designation:
Expiration Date of License or Certification: 11/30/2027	Expiration Date of License or Certification:
Inspection of Subject: ☒ Interior & Exterior ☐ Exterior Only ☐ None	Inspection of Subject: ☐ Interior & Exterior ☐ Exterior Only ☐ None
Date of Inspection: 12/22/2025	Date of Inspection:

GROSS LIVING AREA CALCULATIONS:

The appraiser physically measured the subject. The measurements are rounded to the nearest half foot. ANSI measurements standards which require measurements to the tenth of a foot are not followed as the comparables used are not calculated to ANSI standards. The diminutive difference between what the two standards of measurement calculate is insignificant and has no bearing on value.

EFFECTIVE DATE:

The Uniform Standards of Professional Appraisal Practice defines Effective Date as *the date to which an appraiser's analyses, opinions and conclusions apply; also referred to as date of value.* Any user of this appraisal report is cautioned and reminded that the conclusions presented in this report apply only as of the effective date noted in the report. The appraiser makes no representation as to the effects on the subject property for any unforeseen events subsequent to the effective date of the report. These unforeseen events, whether man made or natural occurrence, also known as Black Swan events, include viruses, weather related issues, spikes in interest rates and other financial crisis, any of which could immediately affect the subject's market value.

MARKET CONDITIONS:

As of the effective date of the report, market conditions in Durham continued to be strong with low inventory and demand exceeding supply. There was only one active listing. Its asking price was $799,000 and has been on the market for 2 days. In the past year there had been 54 sales ranging in sales price from $225,000 to $3,350,000. The median sales price was $652,000 and the median marketing time was 7 days. The median sales price for the prior twelve months was $693,000 with 40 sales and 5 days on the market. The difference was due to the type of home purchased and not considered a price declined. Continued demand could be seen with 6 pending sales. The median asking price was $719,950 with 14 days on the market. Using the number of sales over the past year and the number of listings, the absorption period was less than a month which is considered a shortage for supply vs demand.

EXTRAORDINARY ASSUMPTION:

The subject's effective date is 04/01/2025. The home was physically inspected on 12/22/2025. The extraordinary assumption was made that the home's condition was the same as of the effective date as it was on the date physically inspected. If this assumption is found to be false, value could be affected.

SQUARE FOOT APPRAISAL FORM

For subscribers using the **RESIDENTIAL COST HANDBOOK**

Appraisal for Mark Twickler Rev. Trust

Address 9 Stevens Way

City Durham State/Province NH

Property owner Mark Twickler Rev. Trust

Appraiser Bryan S DuBois

Zip/Postal Code 03824 Date 12/22/2025

TYPE
☒ Single Family
☐ Multiple
☐ Town House
☐ Row House
☐ Manufactured
☐ ____________
Cabin, Dome, etc.

FLOOR AREA
1st 1,288
2nd ____
3rd ____
Total 1,288

QUALITY
☐ Low
☐ Fair
☒ Average
☐ Good
☐ Very Good
☐ Excellent

HIGH VALUE
☐ Class I
☐ Class II
☐ Class III
☐ Class IV

STYLE
☒ No. Stories 1
☐ Bi-level
☐ Split Level
☐ 1 1/2 story-Fin.
☐ 1 1/2 story-Unf.
☐ 2 1/2 story-Fin.
☐ 2 1/2 story-Unf.
☐ End Row
☐ Inside Row
INTERIOR WALL HEIGHT ____ ft
NUMBER OF MULTIPLE UNITS 1

EXTERIOR WALLS
☐ Hardboard/Plywood
☐ Stucco
☒ Siding or Shingle
☐ Masonry Veneer
☐ Common Brick
☐ Face Brick or Stone
☐ Concrete Block

MANUFACTURED HOUSING WALLS
☐ Alum., Ribbed
☐ Lap Siding
☐ Hardboard
☐ Plywood

ROOF COVER
☒ Built-Up or Comp. Shingle
☐ Wood Shingle or Shake
☐ Clay Tile
☐ Concrete Tile
☐ Slate
☐ Metal ____________
(Style or Type)

NUMBER OF PLUMBING
Fixtures ____
Rough-in ____

BASEMENT AREA
Unf. ____
Fin. 1120

BALCONY AREA
____

PORCH BRZWY, AREA
(a) ____
(b) ____

GARAGE TYPE
☐ Detached
☒ Attached
☐ Built-in
☐ Subterranean
☐ Carport ____
(Gable, Shed or Flat)

GARAGE AREA
545

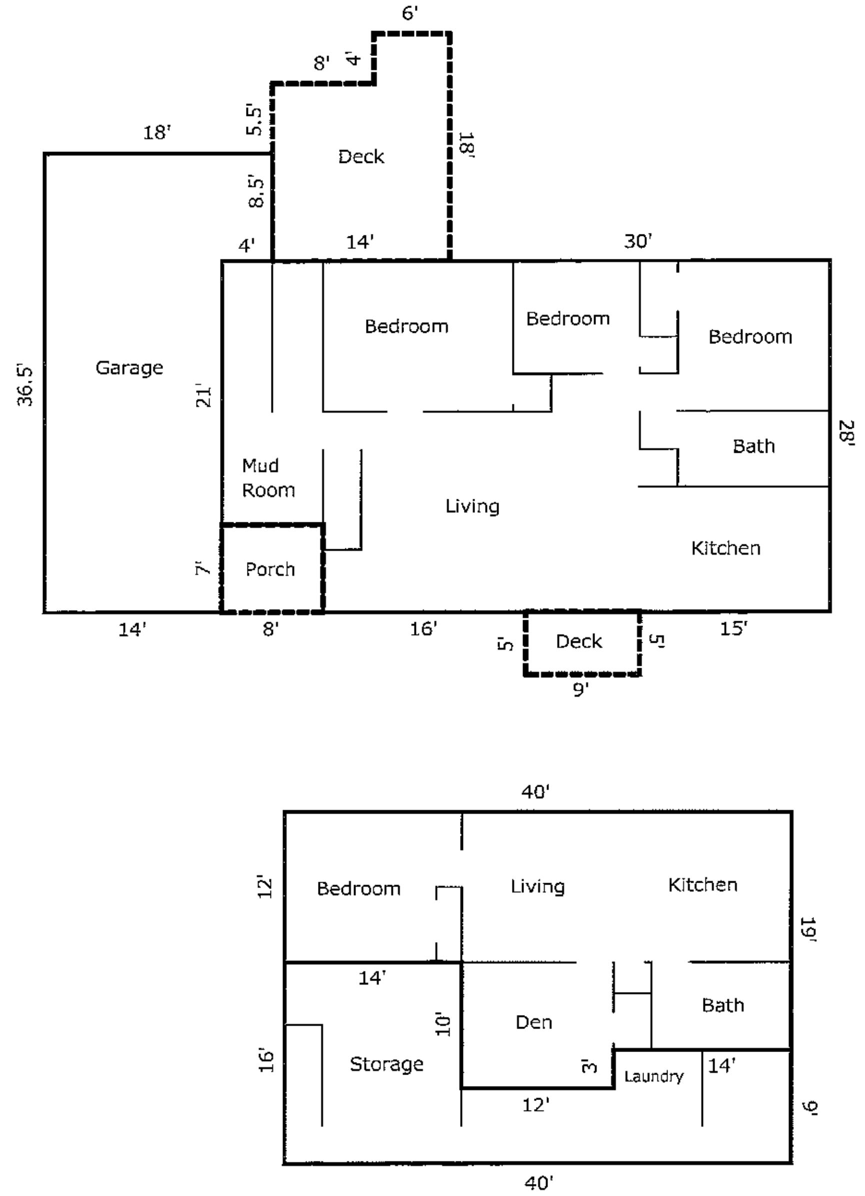
AGE 42 CONDITION Avg-good CLIMATE: Mild ☐ Moderate ☐ Extreme ☒ REGION: Western ☐ Central ☐ Eastern ☒

	Factor	Quantity	Cost	Extension		
1. COMPUTE RESIDENCE BASIC COST: Wall Height Factor X Floor Area X Selected Sq. Ft. Cost	1	1,288	130.00	$		167,440.00
SQUARE FOOT ADJUSTMENTS: Specify type, quality, condition, age, etc.				+	−	
2. Roofing				☐	☐	
3. Subfloor		1,120	2.58	☒	☐	2,890.00
4. Floor Cover		1,288	15.80	☒	☐	20,350.00
5. Plaster Interior				☐	☐	
6. Heating/Cooling base				☐	☐	
7. Energy Adjustment		1,288	3.21	☒	☐	4,134.00
8. Foundation		1,120	7.67	☒	☐	8,590.00
LUMP SUM ADJUSTMENTS: Specify type, quality, condition, age, etc.						
9. Plumbing Base of 8		2	1,990.00	☒	☐	3,980.00
10. Fireplaces				☐	☐	
11. Built-in Appliances		2	4,200.00	☒	☐	8,400.00
12. Miscellaneous (Dormers)				☐	☐	
13. SUBTOTAL ADJ. RESIDENCE COST: Line 1 plus or minus Lines 2-12				$		215,785.00
14. BASEMENT, UNFINISHED	1	1,120	29.75	☒	☐	33,320.00
15. Add for basement interior finish		1,120	38.75	☒	☐	43,400.00
16. Add for basement outside entrance		1	2,050.00	☒	☐	2,050.00
17. Add for basement garage: Single ☐ Double ☐				☐	☐	
18. PORCH/BREEZEWAY, describe Wooden deck		265	24.15	☒	☐	6,400.00
19. Open porch		56	73.82	☒	☐	4,134.00
20. SUBTOTAL RESIDENCE COST: Total of Lines 13-19				$		305,089.00
21. GARAGE OR CARPORT - sq. ft. area x selected sq. ft. cost		545	53.50	☒	☐	29,158.00
22. Miscellaneous (roofing adjustment)				☐	☐	
23. SUBTOTAL OF GARAGE COST: Line 21 plus or minus Line 22				$		29,158.00
24. SUBTOTAL OF ALL BUILDING IMPROVEMENTS: Sum of Lines 20 and 23				$		334,247.00
25. Current Cost Multiplier 0.97 x Local Multiplier 1.07						1.04
26. TOTAL BUILDING COST NEW: Line 24 x 25				$		347,617.00
27. Depreciation: Physical and functional Life Exp. 65 Eff. Age 13 Deduction 20.00 % of Line 26						69,523.00
28. Economic and/or Excessive Functional Obsolescence						
29. Depreciated cost of building improvements: Line 26 less Lines 27 and 28						278,094.00
30. Yard improvements cost: List, total, apply multiplier and depreciate on reverse side				$		40,000.00
31. Miscellaneous: (Landscaping) If local cost, do not apply any multipliers						1,000.00
32. Lot or land value						260,000.00
33. TOTAL INDICATED VALUE: Total of Lines 29-32				$		579,094.00

FORM 1007

Building Sketch

Owner	Mark Twickler Rev. Trust
Property Address	9 Stevens Way
City	Durham County Strafford State NH Zip Code 03824
Client	Mark Twickler Rev. Trust



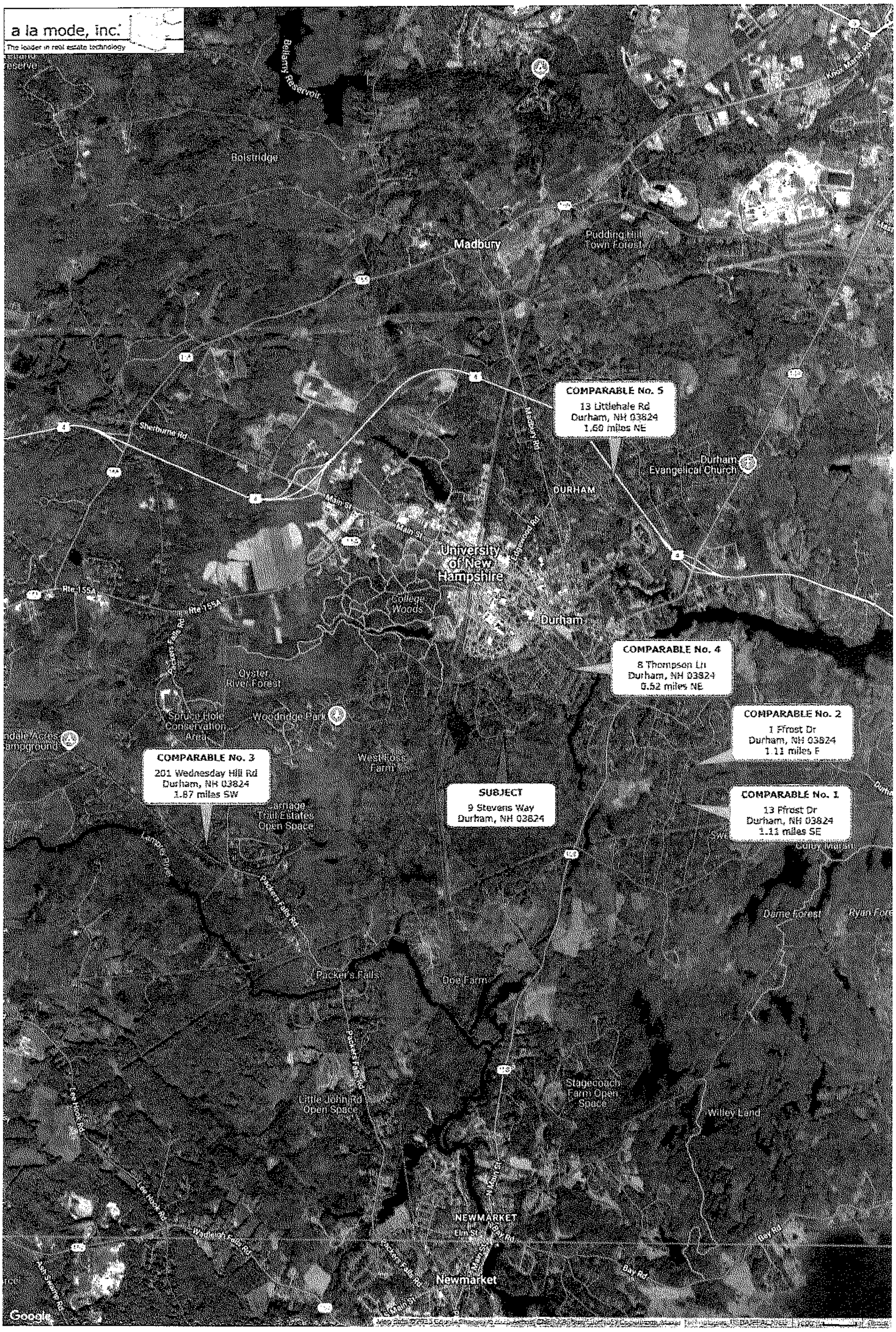
TOTAL Sketch by a la mode

Area Calculations Summary

Living Area		**Calculation Details**
First Floor	1288 Sq ft	28 × 40 = 1120 8 × 21 = 168
Total Living Area (Rounded):	**1288 Sq ft**	
Non-living Area		
Garage	545 Sq ft	14 × 28 = 392 18 × 8.5 = 153
Porch	56 Sq ft	7 × 8 = 56
Deck	45 Sq ft	9 × 5 = 45
Deck	220 Sq ft	14 × 14 = 196 6 × 4 = 24
Basement	422 Sq ft	16 × 14 = 224 9 × 14 = 126 12 × 6 = 72
Finished Lower Level	698 Sq ft	12 × 14 = 168 19 × 14 = 266 12 × 22 = 264

Location Map

Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						

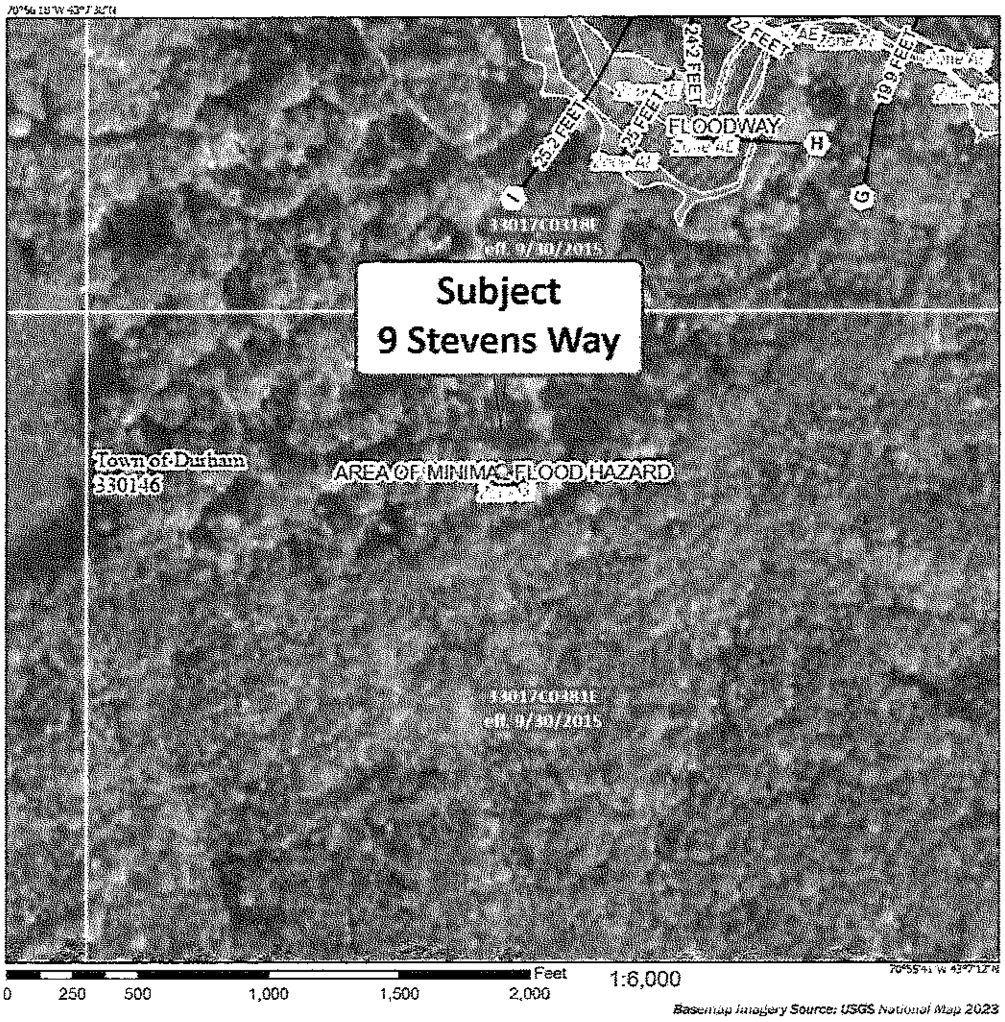


Flood Map

Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						

National Flood Hazard Layer FIRMette

FEMA



Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes. Zone X
	Area with Flood Risk due to Levee Zone D
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
	Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
OTHER FEATURES	20.2 Cross Sections with 1% Annual Chance
	17.5 Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
MAP PANELS	Digital Data Available
	No Digital Data Available
	Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/27/2025 at 6:46 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

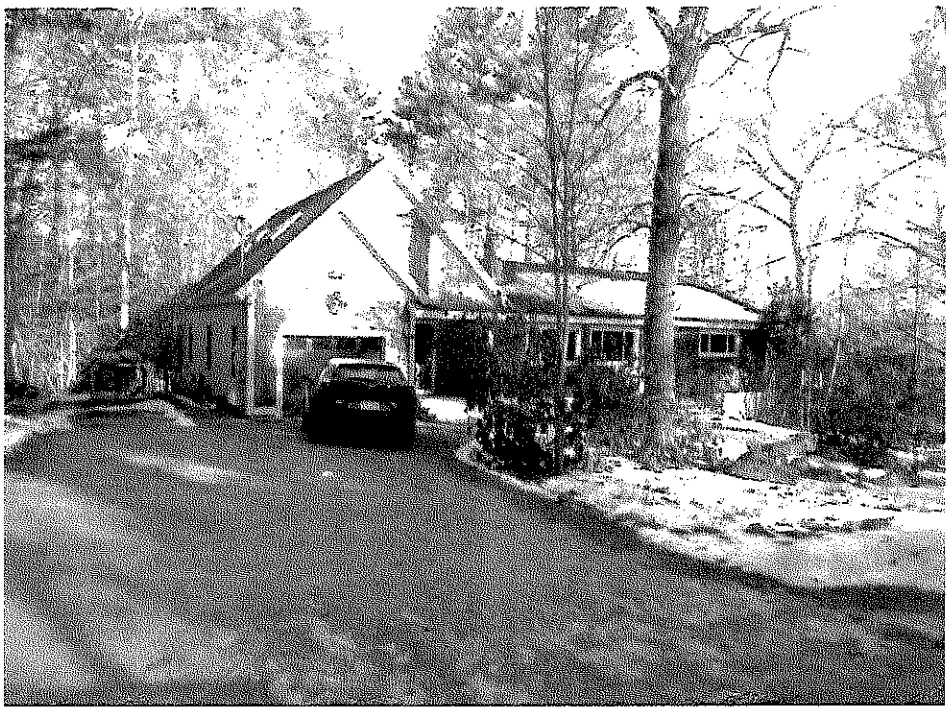
Subject Photo Page

Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						

Front of Subject

9 Stevens Way

Sales Price	N/A
Gross Living Area	1,288
Total Rooms	5
Total Bedrooms	3
Total Bathrooms	1
Location	Average
View	Woods/Neighborhd
Site	1.0 acre
Quality	Average
Age	42 years



Front of Subject

Rear of Subject

Subject Photo Page

Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						

Rear of Subject

9 Stevens Way

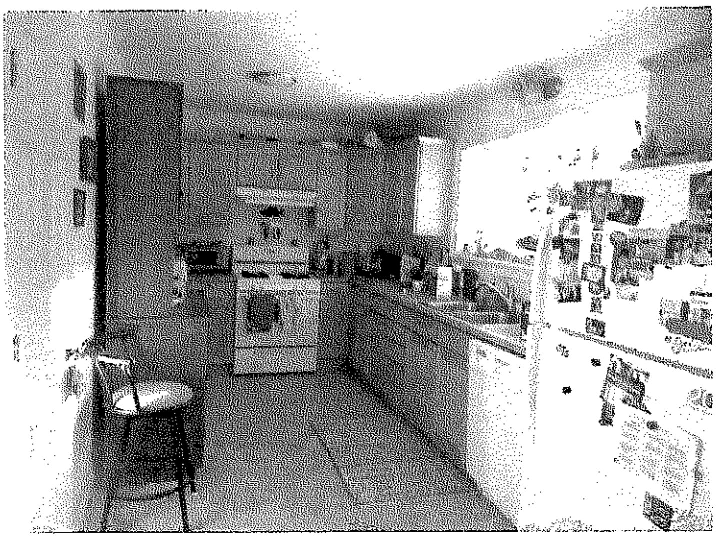
Sales Price	N/A
Gross Living Area	1,288
Total Rooms	5
Total Bedrooms	3
Total Bathrooms	1
Location	Average
View	Woods/Neighborhd
Site	1.0 acre
Quality	Average
Age	42 years

Street Scene

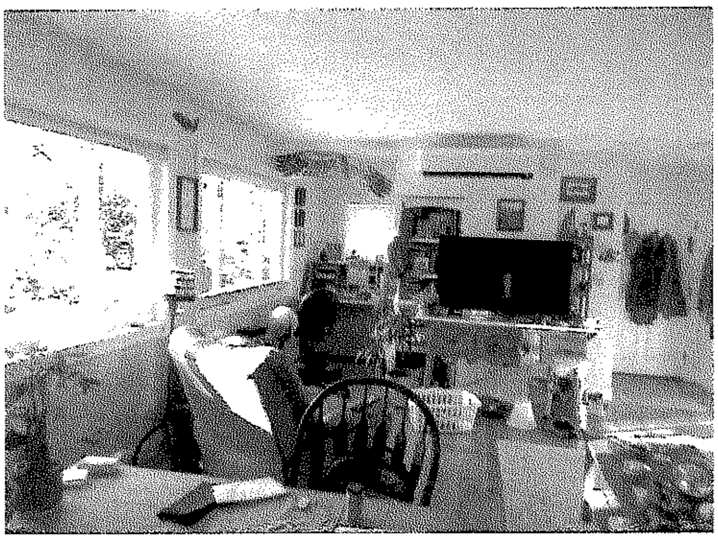
Street Scene

Subject Photo Page

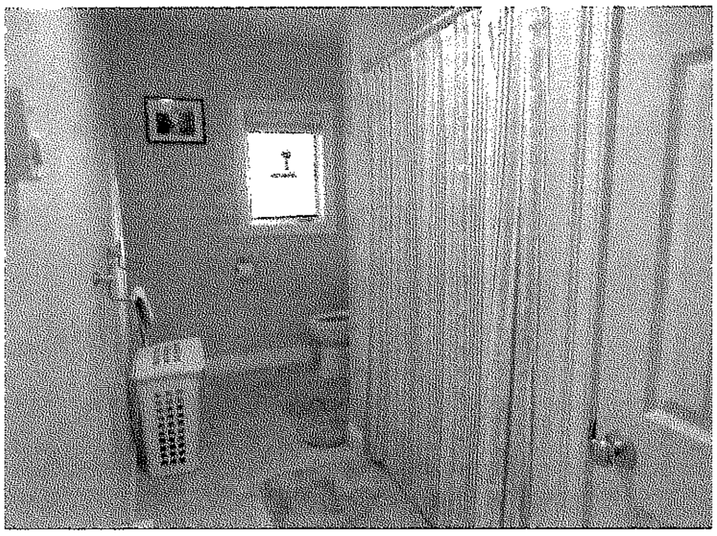
Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						



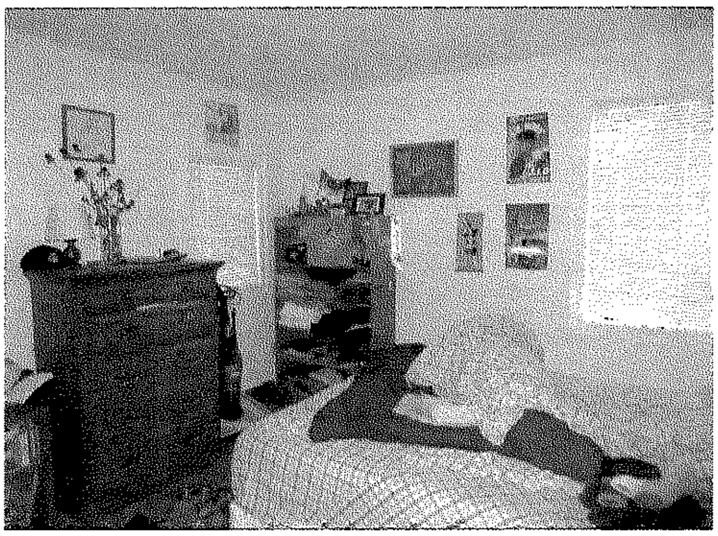
Kitchen



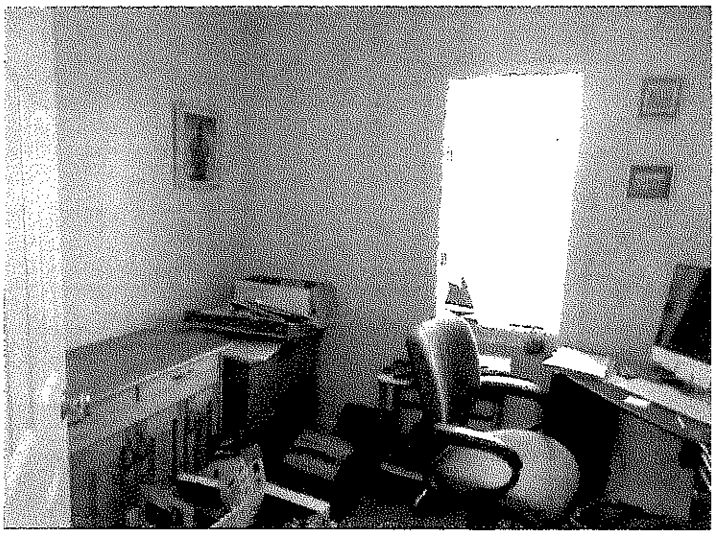
Living Room



Bathroom



Bedroom



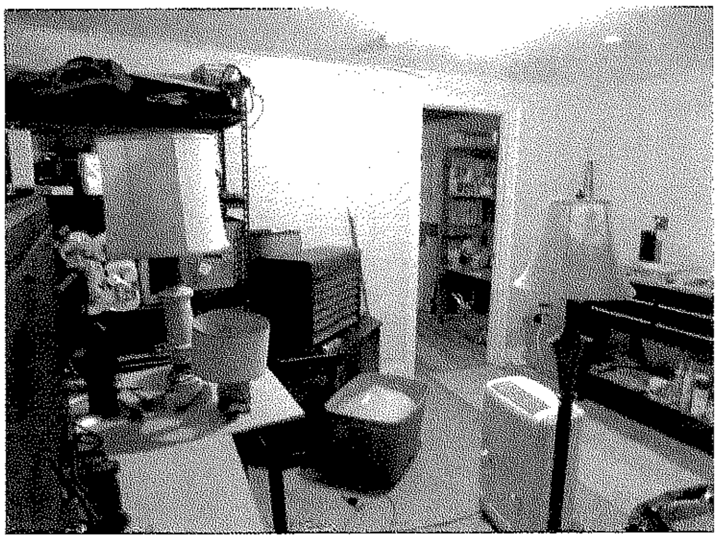
Bedroom

Bedroom

Subject Photo Page

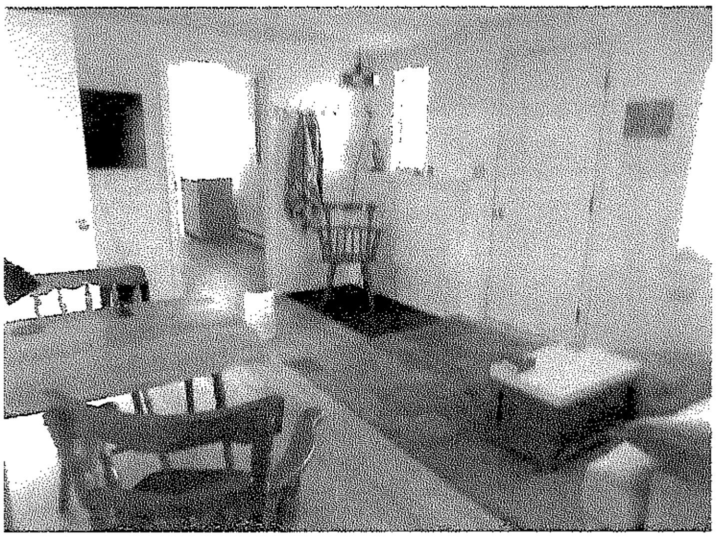
Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						

Mud Room

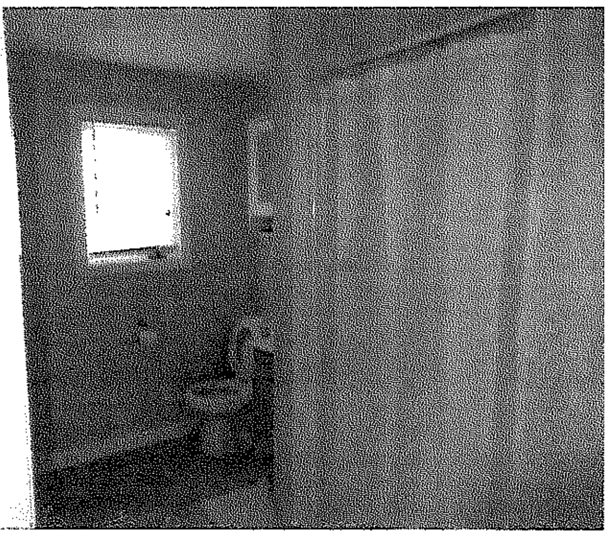


Lower Level

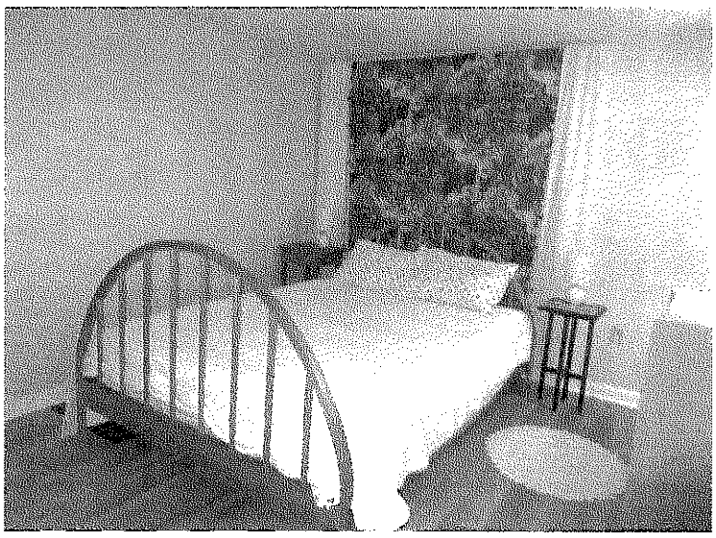
ADU Kitchen



ADU Living Room



ADU Bathroom



ADU Bedroom

Subject Photo Page

Owner	Mark Twickler Rev. Trust						
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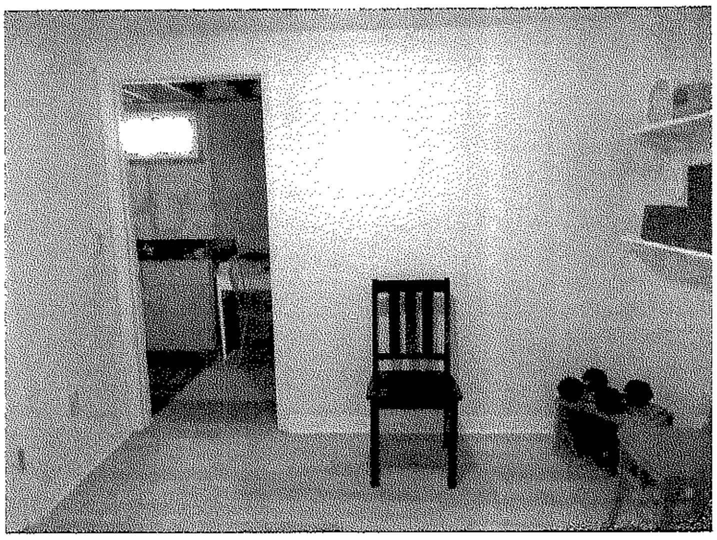
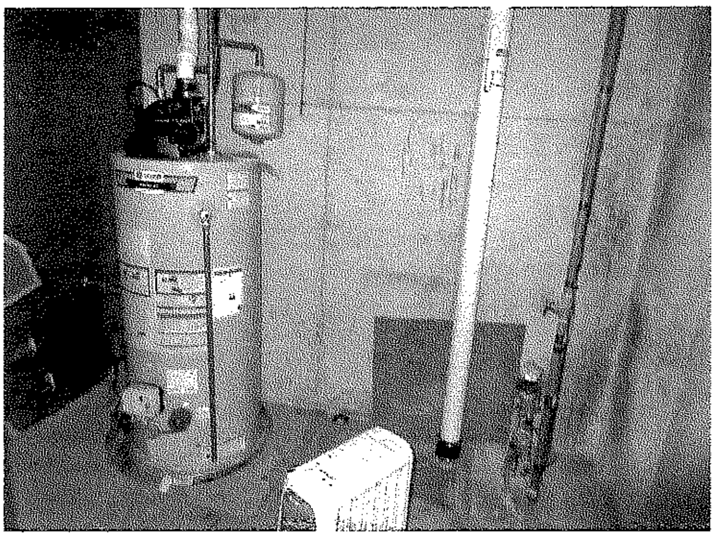
Client	Mark Twickler Rev. Trust						



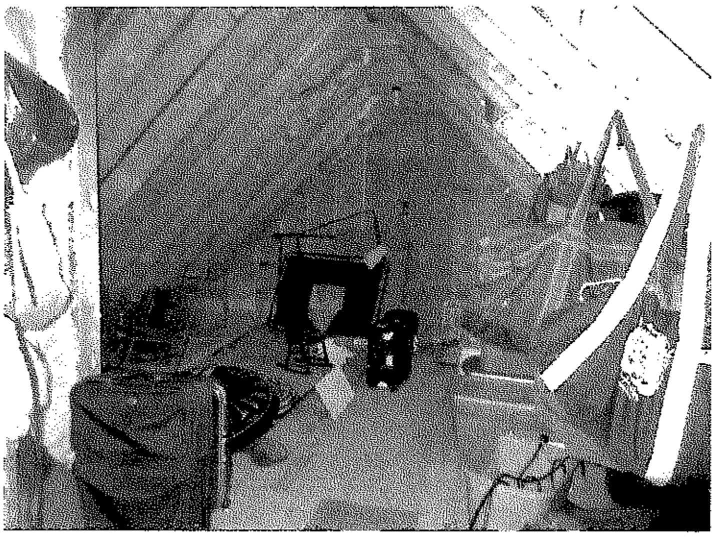
ADU Den

Electrical

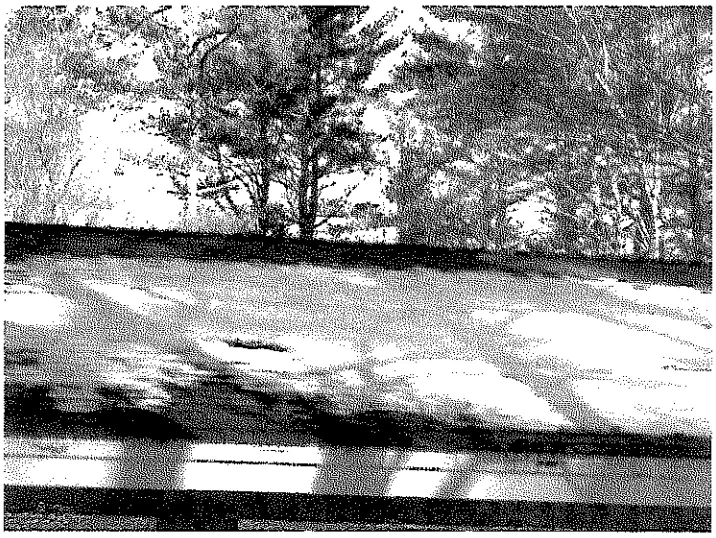


Utility Room

Garage



Garage Second Floor



Roof

Comparable Photo Page

Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						

Comparable 1

13 Ffrost Dr

Prox. to Subject	1.11 miles SE
Sale Price	610,000
Gross Living Area	1,544
Total Rooms	6
Total Bedrooms	3
Total Bathrooms	2
Location	Average
View	Neighborhood
Site	.95 acre
Quality	Average
Age	55 years

Comparable 2

1 Ffrost Dr

Prox. to Subject	1.11 miles E
Sale Price	530,000
Gross Living Area	1,176
Total Rooms	5
Total Bedrooms	3
Total Bathrooms	1
Location	Average
View	Neighborhood
Site	1.19 acre
Quality	Average
Age	56 years

Comparable 3

201 Wednesday Hill Rd

Prox. to Subject	1.87 miles SW
Sale Price	565,000
Gross Living Area	1,300
Total Rooms	6
Total Bedrooms	3
Total Bathrooms	1
Location	Average
View	Woods/Neighborhd
Site	1.0 acre
Quality	Average
Age	55 years

Comparable Photo Page

Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						

Comparable 4

8 Thompson Ln

Prox. to Subject	0.52 miles NE
Sale Price	589,000
Gross Living Area	1,010
Total Rooms	6
Total Bedrooms	3
Total Bathrooms	1.1
Location	Average
View	Neighborhood
Site	.32 acre
Quality	Average
Age	75 years

Comparable 5

13 Littlehale Rd

Prox. to Subject	1.60 miles NE
Sale Price	532,000
Gross Living Area	1,074
Total Rooms	4
Total Bedrooms	2
Total Bathrooms	1
Location	Average
View	Neighborhood
Site	.58 acre
Quality	Average
Age	46 years

Plan

Owner	Mark Twickler Rev. Trust						
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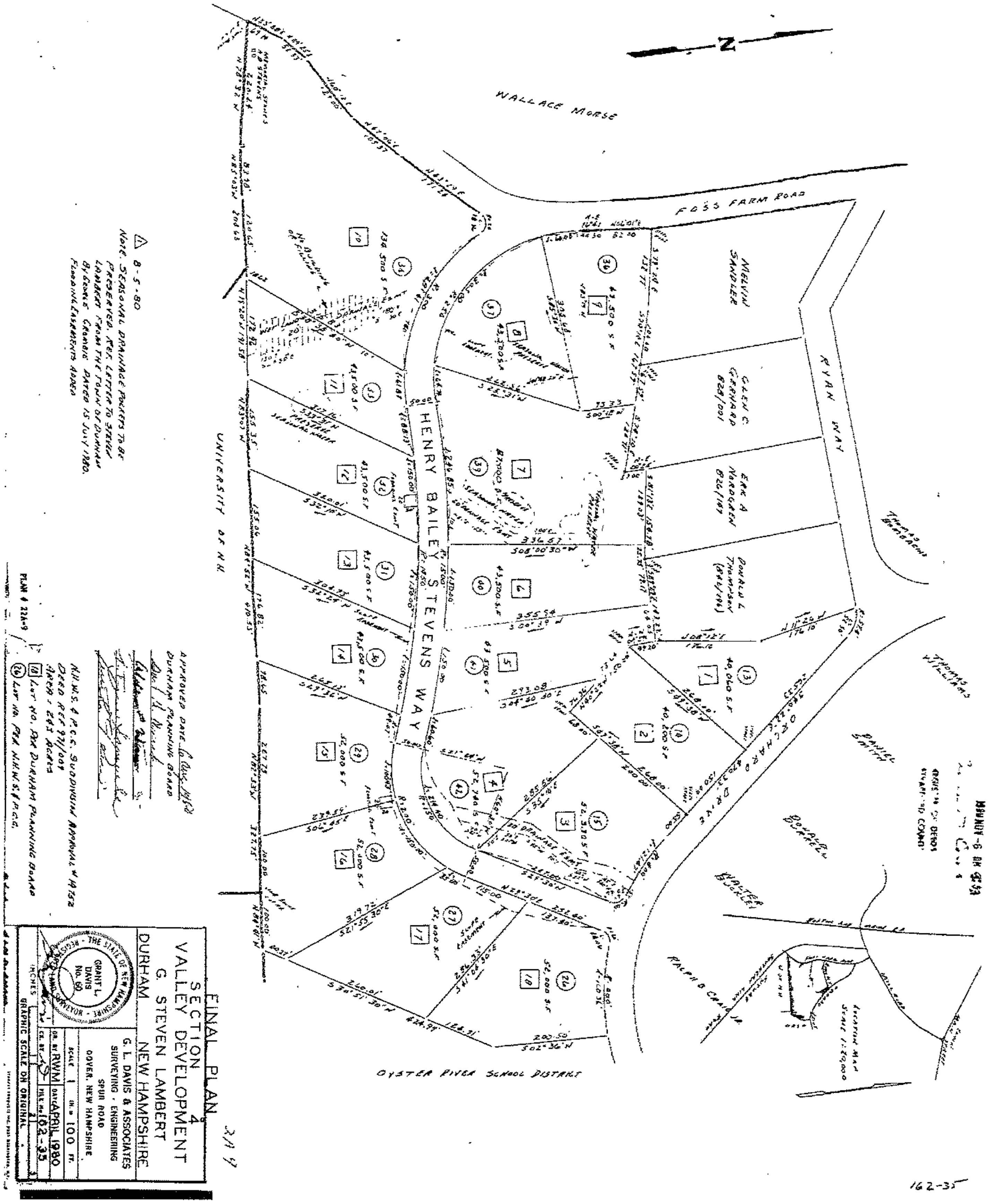
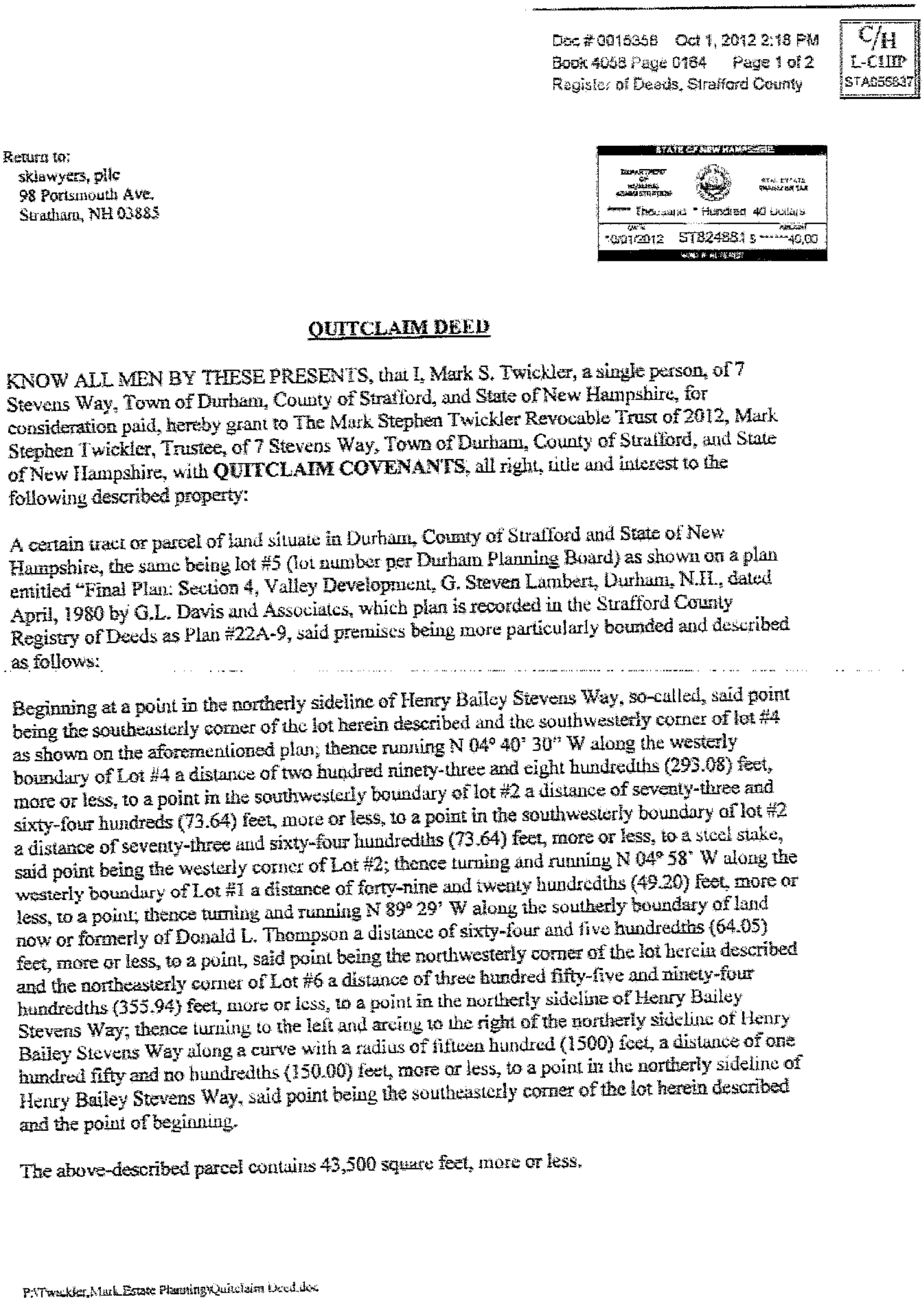
Client	Mark Twickler Rev. Trust						



Legal Description

Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						



Doc # 0016358 Oct 1, 2012 2:18 PM
Book 4058 Page 0164 Page 1 of 2
Register of Deeds, Strafford County

C/H
L-CHIP
STA056837

Return to:
sklawyers, pllc
98 Portsmouth Ave.
Stratham, NH 03885

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX
***** Thousand * Hundred 40 Dollars
DATE AMOUNT
10/01/2012 ST824881 $ *****40.00
VOID IF ALTERED

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that I, Mark S. Twickler, a single person, of 7 Stevens Way, Town of Durham, County of Strafford, and State of New Hampshire, for consideration paid, hereby grant to The Mark Stephen Twickler Revocable Trust of 2012, Mark Stephen Twickler, Trustee, of 7 Stevens Way, Town of Durham, County of Strafford, and State of New Hampshire, with **QUITCLAIM COVENANTS**, all right, title and interest to the following described property:

A certain tract or parcel of land situate in Durham, County of Strafford and State of New Hampshire, the same being lot #5 (lot number per Durham Planning Board) as shown on a plan entitled "Final Plan: Section 4, Valley Development, G. Steven Lambert, Durham, N.H., dated April, 1980 by G.L. Davis and Associates, which plan is recorded in the Strafford County Registry of Deeds as Plan #22A-9, said premises being more particularly bounded and described as follows:

Beginning at a point in the northerly sideline of Henry Bailey Stevens Way, so-called, said point being the southeasterly corner of the lot herein described and the southwesterly corner of lot #4 as shown on the aforementioned plan; thence running N 04° 40' 30" W along the westerly boundary of Lot #4 a distance of two hundred ninety-three and eight hundredths (293.08) feet, more or less, to a point in the southwesterly boundary of lot #2 a distance of seventy-three and sixty-four hundreds (73.64) feet, more or less, to a point in the southwesterly boundary of lot #2 a distance of seventy-three and sixty-four hundredths (73.64) feet, more or less, to a steel stake, said point being the westerly corner of Lot #2; thence turning and running N 04° 58' W along the westerly boundary of Lot #1 a distance of forty-nine and twenty hundredths (49.20) feet, more or less, to a point; thence turning and running N 89° 29' W along the southerly boundary of land now or formerly of Donald L. Thompson a distance of sixty-four and five hundredths (64.05) feet, more or less, to a point, said point being the northwesterly corner of the lot herein described and the northeasterly corner of Lot #6 a distance of three hundred fifty-five and ninety-four hundredths (355.94) feet, more or less, to a point in the northerly sideline of Henry Bailey Stevens Way; thence turning to the left and arcing to the right of the northerly sideline of Henry Bailey Stevens Way along a curve with a radius of fifteen hundred (1500) feet, a distance of one hundred fifty and no hundredths (150.00) feet, more or less, to a point in the northerly sideline of Henry Bailey Stevens Way, said point being the southeasterly corner of the lot herein described and the point of beginning.

The above-described parcel contains 43,500 square feet, more or less.

P:\Twickler,Mark\Estate Planning\Quitclaim Deed.doc

Provided, however, that this conveyance is made on the express conditions and covenants which are hereby declared to run with the land conveyed, and to which the grantee, for himself, his heirs and assigns hereby consent to keep and observe:

1. That no business of any nature shall be conducted upon said premises except that a lawyer, physician or architect residing in the dwelling house may maintain therein an office for his professional use.

2. That no keeping of poultry, swine, dog kennels, or livestock other than household pets normally housed in the residence, shall be permitted on these premises, and no house trailer or similar vehicle shall be brought upon, or be maintained or permitted to remain on said property.

3. That the main residential structure shall contain at least 1,200 square feet of livable area, not including porches, screened, glassed in, or otherwise treated, stoops, garages, carports, or outside living terraces.

4. That the grantee further covenants and agree[s] as part of the consideration for this deed to grad[e] and landscape the premises soon as practicable after the construction[s] of a residence thereon; and the grantee further agrees as part of the consideration herefore that the exterior of the dwelling and other structures shall be completed within nine months from the sta[r]t[e] of construction, strikes, accidents, and unavoidable catastrophes excepted.

Meaning and intending to convey the same premises conveyed to Mark S. Twickler by Warranty Deed of Smiles Brothers Real Estate, LLC, dated March 19, 2012, and recorded at Book 4001, Page 0847 of the Strafford County Registry of Deeds.

This conveyance is a non-contractual transfer pursuant to New Hampshire R.S.A. 78-B:2(IX).

WITNESS, my hand and seal this 28th day of September, 2012.

Witness

Mark Stephen Twickler

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

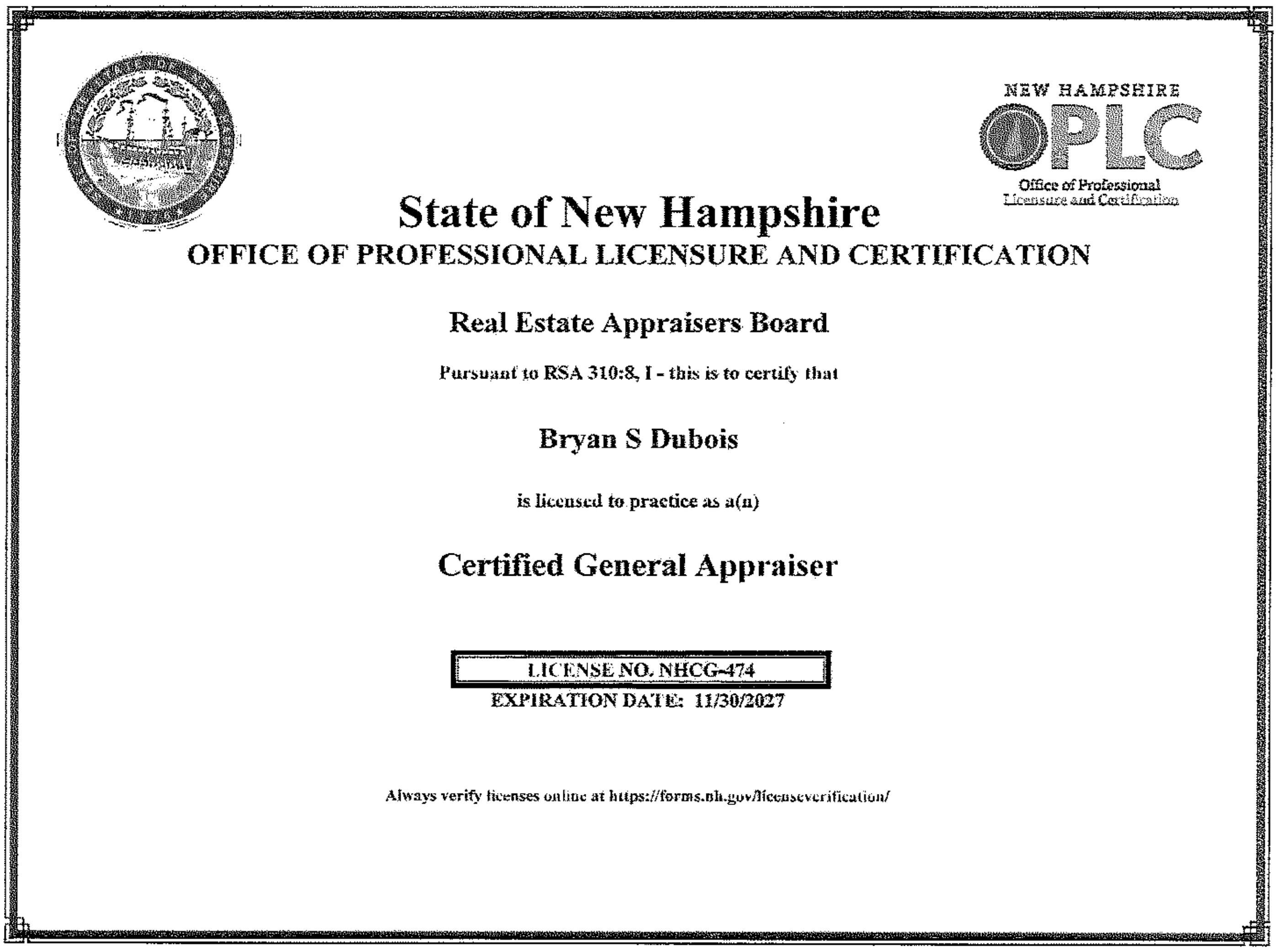
On this 28th day of September, 2012 personally appeared Mark Stephen Twickler, known to me or satisfactorily proven to be, the person whose name is subscribed on the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

Notary Public/~~Justice of the Peace~~
My Commission Expires:
KARYN A. KRAUSE, Notary Public
My Commission Expires August 24, 2016

P:\Twickler,Mark Estate Planning\Quitclaim Deed.doc

Appraiser's Certification

Owner	Mark Twickler Rev. Trust						
Property Address	9 Stevens Way						
City	Durham	County	Strafford	State	NH	Zip Code	03824
Client	Mark Twickler Rev. Trust						



NEW HAMPSHIRE OPLC
Office of Professional Licensure and Certification

State of New Hampshire
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

Real Estate Appraisers Board

Pursuant to RSA 310:8, I - this is to certify that

Bryan S Dubois

is licensed to practice as a(n)

Certified General Appraiser

LICENSE NO. NHCG-474
EXPIRATION DATE: 11/30/2027

Always verify licenses online at https://forms.nh.gov/licenseverification/

TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8064
Fax: 603/868-8033

ABATEMENT RECOMMENDATION

DATE: June 15, 2026

TOWN OF: Durham

TO: Town Council

FROM: Darcy Freer, CNHA

OWNER:
Mark S Twickler Revocable Trust
9 Stevens Way
Durham, NH 03824

REPRESENTATIVE: N/A

PROPERTY LOCATION: 9 Stevens Way, Durham, NH 03824

PID: 113-108

PROPERTY TAX YEAR(S) APPEALED: 2025

APPLICATION FILING DATE: 1/16/26

INVENTORY FILING DATE (Filing Date April 15th): N/A

ASSESSMENT APPEALED: $621,900

Municipalities may abate taxes "for good cause shown." RSA 76:16. Good cause is generally established by showing an error in the assessment calculation or a disproportionate assessment. Good cause can also be established by showing poverty and inability to pay the tax. If the abatement application is based on disproportionate assessment, the taxpayer has the burden to show how the assessment was disproportionate. To carry this burden the taxpayer must show:

a. What the property was worth (market value) on the assessment date.

b. The property's "equalized assessment" exceeded the property's market value. To calculate the equalized assessment, simply divide the assessment by the municipality's equalization ratio (assessment ÷ ratio). Because a property's market value is a crucial issue, **taxpayers must have an opinion of the market value estimate. Obtaining an appraisal or presenting sales of comparable properties can show this value estimate.**

REASON FOR APPEAL: The owner has applied for an abatement of their 2025 property taxes because they believe the assessment of $621,900 exceeds market value. They provided an appraisal with the application which reconciles a market value of the property of $580,000

ASSESSORS COMMENTS: The subject property is a Ranch style home, which was constructed in 1983 and per the property record card has 1,288 sf of living area above grade and 724 sf of finished basement. It is situated on 1.00 acre of land and is considered to be in average condition for its age. The exterior of the property was inspected on 3/25/26, at this time an interior inspection was denied by the homeowner.

Upon measuring and inspecting the exterior of the property it was found that the property had ductless AC and that some measurements needed to be corrected. The overall adjustment for these factors had a positive effect on value.

The submitted appraisal was reviewed. There are discrepancies between the appraisal and what is on the property record. The appraiser lists less finished square footage in the basement area. At the time of the inspection appointment an interior inspection was denied and these dimensions could not be verified from the exterior. If an interior inspection is permitted prior to 8/1/26, it is possible a different recommendation may come before the Council. Without accurate data, an accurate determination of value cannot be obtained.

RECOMMENDATION: After reviewing the property, including all elements of value, and based upon the above information, I recommend the Council **DENY** the abatement request.

1732

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

AGENDA ITEM: #9E TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Durham Energy Committee

AGENDA ITEM: **SHALL THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 14, 2026 ON RESOLUTION #2026-13 AFFIRMING THE PUBLIC PURPOSE OF ADOPTING THE PROVISIONS OF RSA 53-F AND TO DESIGNATE THE TOWN OF DURHAM IN ITS ENTIRETY AS AN "ENERGY EFFICIENCY AND CLEAN ENERGY DISTRICT"?**

CC PREPARED BY: Jim Lawson

PRESENTED BY: Jim Lawson, Council Representative

AGENDA DESCRIPTION:

Prior to adopting the provisions of RSA 53-F and participating in the Commercial Property Assessed Clean Energy and Resiliency program (C-PACER), the Town Council must hold a public hearing and make a determination that RSA 53-F will serve the public purposes as set forth in the RSA and not primarily be for the benefit of private persons or uses, even though such private benefits and uses may incidentally result. Draft Resolution #2026-13 affirms the public purpose and benefits of RSA 53-F, and it is requested that the Town Council schedule a public hearing on the resolution on Monday, September 14, 2026.

Below is an overview of RSA 53-F and C-PACER, and the public purpose and benefit served by adopting it.

Overview of RSA 53-F and the C-PACER Program

The C-PACER program is enabled by RSA 53-F. This RSA was significantly amended and improved in 2025 by the passage of NH Senate Bill 4, signed by Governor Kelly Ayotte and becoming effective on February 27, 2025.

C-PACER is a private lending program that finances energy efficiency, clean energy, water conservation, and property resiliency improvements. C-PACER financing is secured by a special "assessment," with a similar priority to a municipal tax lien. It does not impact Durham's tax rates. C-PACER financing is currently available in 40 US states, and is administered by the New Hampshire Business Finance Authority (NHBFA) in our state.

Eligible properties for C-PACER include multi-family residential dwellings with five or more units, commercial, industrial, or new construction in zones that permit those uses. Only private property is eligible, which can be owned by any type of business, corporation, individual or nonprofit organization permitted by state law.

Examples of energy improvements financed by C-PACER include clean energy systems (like solar) and energy efficiency upgrades (like insulation or HVAC). C-Pacer can also be used to finance improved resiliency to floods and weather, and water conservation systems (i.e., lead abatement and low-flow fixtures.)

C-PACER loans offer terms up to 30 years and can cover up to 100% of eligible project costs as long as these do not exceed 35% of the appraised property value. C-PACER loans can be cash-flow positive from day one because of competitive rates *and* longer terms, with energy savings exceeding the associated assessment payments. The assessment and the repayment obligation remain with the property, not with the borrower, meaning if a building is sold, the obligation passes to the new owner.

The C-PACER program is low risk to towns like Durham. It creates no financial exposure, liability, or obligation for a municipality. Costs and risks are borne entirely by the participating property owners and capital providers. Municipalities perform a small number of administrative tasks, using documents and resources provided by NHBFA. These tasks include recording the assessment at the registry of deeds when a C-PACER loan is made and then releasing that lien when the C-PACER lender certifies the loan has been repaid. Both tasks can be delegated to the loan's closing attorney if Durham wishes. Billing and collection are assigned to and managed by the capital provider, including enforcement of the assessment lien. This is one reason why C-PACER has received broad support statewide - it is manageable for municipalities while incentivizing private investment in local property, enhancing property values, and supporting economic development and job creation.

To participate in the C-PACER program, Durham must adopt the provisions of RSA 53-F as specified in RSA 53-F:2 and F:3. The Town Council must determine that energy efficiency and clean energy improvements serve a public purpose (see attached draft resolution) as set forth in the RSA after holding a public hearing.

The Town Council must also establish an Energy Efficiency and Clean Energy District that is eligible for C-PACER financing. It is the recommendation of the Durham Energy Committee and Clean Energy NH that the entire town be eligible for C-PACER since there are commercial and agricultural businesses and multi-unit apartments in our Rural and Rural-Coastal zones. The Town Council may then adopt a RSA 53-F by a resolution after determining that there is a public benefit, and authorize the Administrator to sign the Participation agreement with NHBFA.

Summary of Duram the Public Purpose and Benefits of Adopting RSA 53-F and the C-Pacer Program

Clean Energy and Energy Efficiency Investments by Current Owners

Durham's Master Plan extensively looked at the community's greenhouse emissions, noting that the majority originates from transportation and the built environment. The Master Plan called for Durham to reduce greenhouse emissions and advocate for regional and national actions to do the same. The proposed 2025-2030 Climate Action Plan reaffirmed the goal of a 42% reduction in greenhouse gas emissions

Many Durham Multiunit apartments, particularly along Strafford, Madbury, Woodman and Dennison Roads, were built prior to 1970, with many constructed before 1950. Although these properties are well maintained, they represent an opportunity for improved energy efficiency aligned with both the Master Plan and Climate Action Plan. C-PACER offers property owners the opportunity of lower operating costs by investing in clean energy and energy efficiency. The reduced costs may exceed the financing costs according to the NHFBA and Clean Energy NH.

Improved Energy Efficiency in New Commercial Properties

According to Clean Energy NH and the NHBFA, borrowers using C-PACER benefit from *both* competitive rates and longer repayment terms. This means loans can often be designed to be cash-flow positive from day one, with energy savings exceeding the associated assessment payments. Developers may find this aspect of C-PACER attractive if it positively impacts the new project's proforma by reduced energy costs that might have otherwise been foregone. This could positively impact redevelopment both in Durham's downtown and other commercial districts while reducing future greenhouse gas emissions.

Improved Resiliency to Climate Change

A paper published by Dartmouth College [*Lesk, C. and Mankin, J. (2026) "More Concentrated Precipitation Decreases Terrestrial Water Storage". May 13, 2026. Journal Nature. https://www.nature.com/articles/s41586-026-10487-7*] confirms that the northeast is experiencing rainfall in shorter bursts and is expected to see more rainfall with more rain coming from large storms. This trend will lead to more flooding, as we've recently experienced in Vermont and New Hampshire, and more flash droughts that reduce ground water levels. Improvements for flood and weather resiliency can be financed through C-PACER.

Safe multiunit housing is critical to our residents and community, and any improvements for flood and weather resiliency provide a public purpose and benefit by keeping residents safe. Improving the resiliency of new and existing commercial buildings provides increased availability for employment and the services provided by their businesses. Finally, improved flood and weather resiliency may help to reduce the demand on emergency services during extreme weather events.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

According to NHBFA, the New Hampshire Municipal Association and Clean Energy New Hampshire, the adoption of C-PACER creates no financial exposure, liability or obligation for a municipality (see attachment.) The C-PACER capital provider is responsible for billing, collection and enforcement responsibilities. The town must only execute standardized documents confirming that property taxes are current with no involuntary liens, and record/release the assessment lien.

SUGGESTED MOTION:

The Durham Town Council does hereby schedule a Public Hearing for Monday, September 14, 2026, on Resolution #2026-13 affirming the public purpose of adopting the provisions of RSA 53-F and to designate the Town of Durham in its entirety as an "Energy Efficiency and Clean Energy District."

Chapter 53-F ENERGY EFFICIENCY AND CLEAN ENERGY DISTRICTS

Section 53-F:l

53-F:l Definitions. -
In this chapter:
I. "Authority" means the New Hampshire business finance authority, the administrator for the program created by this chapter.
11. "Capital provider" means a private entity or its designee, successor, or assigns that finances or refinances a qualifying improvement.
III. "C-PACER" means commercial property assessed clean energy or resiliency.
IV. "District" means an energy efficiency and clean energy district established under this chapter.
V. "Eligible property" means real property located within the boundaries of the district, whether zoned or used for residential, commercial, industrial, or other uses, excluding residential property containing less than 5 dwelling units.
VI. "Financing agreement" means the agreement between a property owner and a capital provider which governs the terms of financing between the parties, including the interest rate, term, conditions of prepayment, and penalties and interest for late or delinquent payment.
VIL "Municipal program official" means a person designated by a municipality to liaison with the program administrator and administer the municipality duties and responsibilities in accordance with the administrative procedures set forth in the administrative agreement with the authority.
VIII. "Municipality" means any city, town, unincorporated town, unorganized place, or village district, or the designated representative of the city, town, or village district.
IX. "Program" means the implementation and administration of C-PACER projects and financings according to this chapter.
X. "Program administrator" means the authority or a third party designated by the authority to administer the program on its behalf.
XI. "Program guidebook" means a comprehensive document created by the authority pursuant to this chapter, including appropriate guidelines for the program, specifications, approval criteria, assessment documents, and other standard forms consistent with the administration of a program under this chapter.
XII. "Project application" means an application submitted to the program administrator to demonstrate that a proposed project qualifies for special assessment financing pursuant to the program guidebook.
XIII. "Qualifying improvement" means resiliency improvements, energy conservation and efficiency improvements, clean energy improvements, or water conservation improvements.
(a) "Clean energy improvement" means the installation of any system on the property for producing electricity for, or meeting heating, cooling, or water heating needs of the property, using either renewable energy sources, combined heat and power systems, or district energy systems using wood biomass (but not construction and demolition waste), waste heat, or natural gas. Such improvements include, but are not limited to, solar photovoltaic, solar thermal, wood biomass, wind, and geothermal systems, provided that, to be covered by an agreement with a property owner and financed under this chapter, such improvements shall be qualifying improvements under RSA 53-F:6; and

(b) "Energy conservation and efficiency improvement" means measures to reduce consumption, through conservation or more efficient use, of electricity, fuel oil, natural gas, propane, or other forms of energy on or off the property, including but not limited to air sealing, installation of insulation, installation of heating, cooling, or ventilation systems meeting or exceeding ENERGY STAR standards, building modifications to increase the use of daylighting, replacement of windows with units meeting or exceeding ENERGY STAR standards, installation of energy controls or energy recovery systems, and installation of efficient lighting equipment, provided that, to be covered by an agreement with a property owner and financed under this chapter, all such improvements must be permanently affixed to a building or facility that is part of the property and shall be qualifying improvements under RSA 53-F:6; and
(c) "Resiliency improvement" means improvements that increase the resilience of a property, including but not limited to air quality, snow and flood mitigation, energy storage and microgrids, alternative vehicle charging infrastructure, and fire and wind resistance.
(d) "Water conservation improvement" means measures, equipment, or devices that decrease the consumption of or demand for water, address safe drinking water or eliminate lead from water used for drinking or cooking. XIV. "Qualifying project" means a project application which has qualifying improvements and has been approved by the program administrator.
XV. "Special assessment" means a special assessment within the meaning and subject to the provisions of RSA 80:19, except as provided in RSA 53-F:8.
XVI. "Special assessment agreement" or "assessment agreement" means a voluntary agreement of a property owner and a municipality to allow the municipality to place an assessment on the owner's property to repay special assessment financing pursuant to this chapter.
XVII. "Special assessment lien" or "lien" means a lien recorded in which the eligible property is located to secure the special assessment, which assessment remains on the property until paid in full.
Source. 2010, 215:2. 2011, 68:4, eff. July 15, 2011. 2014, 294:1, eff. Sept. 30, 2014. 2015, 121:1, 8, eff. June 8, 2015. 2025, 1:1, eff. March 10, 2025; 2:2, eff. March 10, 2025.

Section 53-F:2

53-F:2 Adoption by Municipality. -

A city, town, or village district may adopt the provisions of this chapter in the following manner:
1. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on
the warrant of an annual meeting only by the governing body, and not pursuant to RSA 39:3.
II. In a city or a town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of any such municipality may vote to place the question on the official ballot for any regular municipal election.
111. In a village district, the question may be considered and acted upon by any means authorized by RSA 52. IV. The language of the question shall designate the district, which may cover all or a portion of the area within the municipality, or may designate all or a portion of the area within the municipality as part of a district that encompasses all or portions of multiple municipalities.

V A municipality may vote to rescind its action in the same manner as it may vote to adopt, provided that all agreements entered into with property owners and related legal obligations created prior to its vote to rescind shall remain in effect.
Source. 2010, 215:2, eff. Aug. 27, 2010. 2025, 1:2, eff. March 10, 2025.

Section 53-F:3

53-F:3 Authority. -
To achieve the public benefits of protecting the economic and social well-being by reducing energy costs in the community and risks to the community associated with future escalation in energy prices, and addressing the threat of global climate change, any municipality which has adopted the provisions of this chapter and established an energy efficiency and clean energy district may, upon a finding by the governing body of the municipality, after notice and hearing, that the energy conservation and efficiency and clean energy improvements will serve the public purposes as set forth in this chapter and not primarily be for the benefit of private persons or uses even though such private benefits and uses may incidentally result, do the following:
I. The authority is designated by the legislature to administer the program for all municipalities within the state. The authority is authorized to, at its direction, contract with a third party, whether private or governmental, to manage the day-to-day administration of the program. Anticipated expenses for the administration of the program shall be borne by the owners of eligible properties participating in the program.
II. A municipality which adopts this chapter shall thereafter be authorized to establish one or more energy efficiency and clean energy districts. A municipality, at its discretion, may establish the district within the entirety of its jurisdictional boundaries.
III. A municipality may enter into an agreement with a property owner to impose a voluntary special assessment to repay the financing of qualified projects on commercial property located in a region.
Ill-a. An assessment may not be imposed to repay the financing of the purchase or installation of products or devices not permanently affixed to commercial property.
Ill-b. A municipality may enter into an agreement to impose a voluntary special assessment only after a project application is approved. The special assessment is created through a written contract between the municipality and with the recorded property owner of the commercial property or the property owner of a leasehold estate to be assessed.
III-c. Prior to entering into the written assessment contract, the property owner must receive and furnish to the program administrator a written statement, executed by each holder of a mortgage or deed of trust on the property securing indebtedness, consenting to the assessment and indicating that the assessment does not constitute an event of default under the mortgage or deed of trust.
Ill-d. To establish a C-PACER program under this chapter, the municipality shall take action in the following order, and adopt a resolution that includes:
(a) A finding that the financing of qualified projects through special assessments is a valid public purpose; (b) A statement that the municipality intends to authorize direct financing between property owners and capital providers as the means to finance qualified projects;
(c) A statement that the municipality intends to authorize special assessments, entered into voluntarily by a property owner with the municipality by means of the written assessment contract, as the means to repay the financing for qualified projects available to property owners;
(d) A description of the types of qualified projects that may be subject to special assessments;

(e) A description of the boundaries of the region;
(f) That administration of the program shall be by the authority or its designee; and
(g) A statement identifying the appropriate municipal program official or department responsible for executing the appropriate documentation for the imposition of a special assessment.
Ill-e. The authority is authorized to impose fees and charges deemed necessary by the authority for the purposes of administering the program. To the degree collected from the property owner, the authority shall reimburse a municipality for actual expenses incurred by the municipality in the performance of the municipalities' duties pursuant to this chapter.
IV. Participate in state or federal programs providing support for municipal energy efficiency and clean energy finance programs such as those authorized by this chapter.
V. Enter into agreements with owners of eligible property in which the owners have consented to make energy conservation and efficiency improvements or clean energy improvements to their properties and to have the municipality include a special assessment to pay for such improvements on their property tax bills, their bills for water or sewer service or another municipal service, or separate bills, provided that such agreements shall not affect the tax liability or municipal services charges of other participating or nonparticipating property owners in the district.
Source. 2010, 215:2. 2011, 68:2, eff. July 15, 2011. 2014, 294:2, eff. Sept. 30, 2014. 2015, 121:2, eff. June 8, 2015. 2023, 91:1, eff. Aug. 19, 2023. 2025, 1:3, eff. March 10, 2025.

Section 53-F:4

53-F:4 Agreements With Property Owners. -

I. (a) A municipality may make an assessment under this chapter only pursuant to an agreement entered into with
the free and willing consent of the owner of an eligible property to which the assessment applies. In the case of
any eligible property with multiple owners, an agreement under this chapter shall be signed by all owners or the
owner or owners designated by appropriate documentation to sign on behalf of the property.
(b) The agreement shall stipulate that all funding for the qualifying improvements shall be made by private lenders pursuant to a separate financing agreement between the lender and the property owner, and that the financing is secured by a special assessment lien on the eligible property. The agreement shall include a payment schedule showing the term over which payments will be due on the assessment, the frequency with which payments will be billed and the amount of each payment, and the annual amount due on the assessment. The obligations of the agreement and lien will run with the eligible property. If the property is sold, the new owner shall automatically assume the obligations of the agreement, note, and subject to the special assessment lien and shall be subject to all liability related to such obligations. Upon full payment of the amount of the special assessment lien, including all outstanding interest and charges and any penalties that may become due, the municipality shall provide the then participating property owner with a written statement certifying that the special assessment lien has been paid in full and shall record a discharge of the lien from the private lender.
II. The assessment agreement shall disclose to the owners of eligible property participating in the program the risks associated with their participation, including risks related to their failure to make payments and the risk of enforcement by power of sale under RSA 479.

III. The municipality shall execute a notice of the assessment and lien, and an assignment of notice of assessment and lien under this chapter for recording in the county registry of deeds. The notice shall consist of the following statement or its substantial equivalent: "This property is subject to a special assessment related to the installation of qualifying under RSA 53-F."

IV. Any personal or business financial information provided to a municipality or an entity administering a program under this chapter on behalf of a municipality by a participating property owner or potential participating property owner shall be considered confidential, commercial, or financial information under RSA 91-A:5.

Source. 2010, 215:2. 2011, 68:5, eff. July 15, 2011. 2014, 294:3, eff. Sept. 30, 2014. 2015, 121:3, eff. June 8, 2015. 2025, 1:4, eff. March 10, 2025.

Section 53-F:5

53-F:5 Eligibility of Property Owners. -

I. A municipality may enter into an agreement under this chapter only with the legal owner of eligible property. II. Prior to entering into an agreement with an owner of eligible property, the municipality shall determine that all property taxes and any other assessments levied with property taxes are current and that there are no involuntary liens such as mechanic's liens on the property in excess of $10,000 and which are not removed at the time of the close of the financing transaction.

Il-a. A property may be eligible for financing if otherwise qualified improvements were completed and operational no more than 36 months prior to submission of the application to the program administrator. Waivers to the 36-month requirement may be granted in the sole discretion of the program administrator.

III. Each mortgagee or lienholder shall have the right to determine in its sole discretion whether or not it will consent to such financing. The consents shall be in writing and recorded with the notice of assessment in the registry of deeds. The legal effect of having all consents shall be that the municipal lien shall not be extinguished in the event of a foreclosure or tax foreclosure or sheriffs sale by the mortgagee or lienholder as provided in RSA 53-F:8. Further, any provision of a deed of trust, mortgage, or any other agreement between a consenting lienholder and a property owner providing for the acceleration of any payment under the deed of trust, mortgage, or agreement solely as the result of entering into an agreement to finance an assessment is not enforceable; however, a holder or loan servicer may increase the monthly amount held in escrow as may be required to annually pay the assessment and the mortgage holder shall remit such amounts in the manner that property taxes are escrowed and remitted.

IV. The term of repayment shall not exceed 30 years.

Source. 2010, 215:2, eff. Aug. 27, 2010. 2014, 294:4, eff. Sept. 30, 2014. 2015, 121:4, eff. June 8, 2015. 2025, 1:5, eff. March 10, 2025.

Section 53-F:6

53-F:6 Qualifying Improvements. -

I. The authority shall establish a C-PACER application and review process to review and evaluate project applications for C-PACER financing and prescribe the form and manner of the application. Under the application, an applicant shall demonstrate:
(a) That the project provides a benefit to the public in the form of energy or water resource conservation, reduced public health costs and/or risk, or reduced public emergency response cost and/or risk.
(b) For an existing building:
(1) Where energy or water usage improvements are proposed, an energy analysis by a licensed engineering firm
or engineer, or other qualified professional listed in the program guidebook, stating that the proposed qualified
improvements will either result in more efficient use or conservation of energy or water, the reduction of
greenhouse gas emissions, or the addition of renewable sources of energy or water, or
(2) Where renewable energy is proposed, an engineering study showing that the improvements are feasible; or
(3) Where resilience improvements are proposed, certification by a licensed professional engineer stating that the
qualified improvements will result in improved resilience.
(c) For new construction, certification by a licensed professional engineer or engineering firm stating that the proposed qualified improvements will enable the project to exceed the energy efficiency or water efficiency or renewable energy or water usage or resilience requirements of the current building code.
II. (a) The principal amount of any financing, excluding interest, shall not exceed 35 percent of the appraised real property value, as stabilized or as complete, or the actual cost of installing renewable energy systems, energy efficiency improvements, water efficiency improvements and resiliency improvements, including the costs of necessary equipment, materials, and labor, financing costs, ancillary costs, the costs of each related energy or water audit or feasibility study, and the cost of verification of such renewable energy system and energy efficiency, water efficiency, and resiliency improvements.
(b) The financing for assessments imposed may also include but is not limited to:
(1) Permit fees;
(2) Inspection fees;
(3) Lender fees;
(4) Program application and administrative fees;
(5) Project development and engineering fees;
(6) Interest reserves;
(7) Capitalized interest, in an amount determined by the owner of the commercial property and the third-party
providing financing under this section; and
(8) Any other fees or costs incurred by the property owner incident to the installation, modification, or
improvement on a specific or pro rata basis.
III. The recording of all documents under this section may be performed by the municipality or their designee. A municipality's duties in a program shall include the:
(a) Timely execution of the written assessment contract between the property owner and the municipality, by a duly authorized official, as well as execution of the municipality notice of

assessment and C-PACER lien; and (b) Execution of the assignment of the assessment agreement and the notice of assessment and C-PACER lien to the capital provider.
IV. The authority and any municipality, its officers, and employees, shall not be liable at law and equity for any actions taken in pursuant of this section, except for gross and willful misconduct. Neither the members of the authority's board of directors, nor any officer or employee of the authority shall be personally liable in ordinary negligence under this chapter. The state shall indemnify a board member or officer or employee of the authority for expenses related to defense against an ordinary negligence action. Neither the state nor the authority nor any officer or employee of either of them shall be subject to any liability for actions taken to protect the interests of the state, the authority, or any owner of the authority's bonds, provided that such actions are not reckless or wanton.
V. After an approved project is completed, an applicant shall provide to the authority written verification, as defined in the program guidebook, stating that the qualified project was properly completed and is operating as intended.
Source. 2010, 215:2, eff. Aug. 27, 2010. 2015, 121:5, eff. June 8, 2015. 2021, 91:218, eff. July 1, 2021. 2025, 1:6, eff. March 10, 2025.

Section 53-F:7

53-F:7 Financing Terms. -
I. Prior to entering into a special assessment agreement, the municipality shall receive from the program administrator certification that the proposed eligible improvements, eligible property and property owner qualify for financing pursuant to the program.
II. Upon receiving certification of approval from the program administrator, the municipality shall: (a) Execute the assessment agreement; and
(b) Execute the written notice of assessment and lien, prepared by the administrator, which shall be recorded in the records of the office of the county register of deeds of the county in which the property is located. The notice required under this subparagraph shall contain:
(1) The amount of the assessment;
(2) The legal description of the property;
(3) The name of each property owner;
(4) A copy of the written assessment agreement;
(5) The date on which the lien was created;
(6) The principal amount of the lien; and
(7) The term of the lien.
(c) The municipality, or its designee, may assign the recording of executed assignment of the notice of assessment and lien.
III. A special assessment that meets the requirements of RSA 53-F:5 and any interest or penalties on the assessment:
(a) Is a first and prior lien against the commercial property on which the assessment is imposed, from the date on which the notice of special assessment is recorded until the assessment, interest, or penalty is paid; and (b) Has the same priority status as a lien for any other ad valorem tax, except that it shall be junior to any lien for property tax or other taxes or assessments by the municipality;
(c) The lien runs with the land, and that portion of the assessment under the assessment contract that is not yet due may not be accelerated or eliminated by foreclosure of a property tax lien or any foreclosure under state law. IV. The proposed arrangements for financing a

qualified project may authorize the property owner to: (a) Directly purchase the related equipment and materials for the installation or modification of a qualified improvement; or (b) Contract directly, including through lease, power purchase agreement, or other service contract, for the related equipment and materials used in the installation or modification of a qualified improvement.
Source. 2010, 215:2. 2011, 68:3, eff. July 15, 2011. 2014, 294:5, eff. Sept. 30, 2014. 2015, 121:6, eff. June 8, 2015. 2025, 1:7, eff. March 10, 2025.

Section 53-F:8

53-F:8 Priority; Collection and Enforcement. -

I. The municipality shall be responsible for all billing, collection, and enforcement of the special assessment and lien, provided however that the municipality may delegate such responsibilities to any outside third party approved by the program administrator and further deemed acceptable to the municipality.
II. Under this section, delinquent installments shall incur interest and penalties as specified in the financing agreement between the property owner and capital provider. Enforcement of a delinquent installment by a capital provider shall be enforced with the provisions of paragraph III and shall follow the procedures under RSA 479, including the power of sale, except that assessments not yet due may not be accelerated or eliminated by foreclosure of the past due amounts of the lien. Any outstanding and delinquent property taxes at the time of the enforcement action shall be satisfied along with the delinquent amounts of the special assessment lien.
III. Neither the state nor any county nor any municipality nor any program administrator may use public funds to fund or repay any financing or lien between a capital provider and property owner except to the degree funds are received from the project expressly for such a purpose. No section under this chapter shall be interpreted to pledge, offer, or encumber the full faith and credit of the state, county, program administrator, or a municipality, nor shall any municipality pledge, offer, or encumber its full faith and credit for any lien amount through a
program.
Source. 2010, 215:2. 2011, 68:6, eff. July 15, 2011. 2014, 294:6, eff. Sept. 30, 2014. 2015, 121:7, eff. June 8, 2015. 2023, 91:2, eff. Aug. 19, 2023. 2025, 1:8, eff. March 10, 2025

New Hampshire C-PACER

Commercial Property Assessed Clean Energy and Resiliency

What is C-PACER?

C-PACER is a private lending program that helps pay for energy efficiency, clean energy, water conservation, and property resiliency improvements. C-PACER financing is secured by a special "assessment," with a similar priority as a municipal tax lien. It does not impact local property tax rates or collection. C-PACE financing is currently available in 40 US states, including NH. In NH, the C-PACER financing program is administered by the New Hampshire Business Finance Authority (NH BFA).

What types of properties are eligible for C-PACER financing?

Eligible structures include those that are used as multi-family residential dwellings (5 or more units only), commercial, industrial, or new construction in zones that permit those uses. Only private property is eligible, but can be owned by any type of business, corporation, individual, or nonprofit organization permitted by state law.

What kinds of improvements can be financed?

Including, but not limited to, clean energy systems (like solar), energy efficiency upgrades (like insulation or HVAC), resiliency measures (like flood and snow mitigation), and water conservation systems (like lead abatement and low-flow fixtures),

What makes C-PACER financing different from traditional commercial financing?

C-PACER loans offer terms up to 30 years and can cover up to 100% of eligible project costs as long as these do not exceed 35% of the appraised property value. C-PACER loans are often designed to be cash-flow positive from day one, with energy savings exceeding the associated assessment payments. The assessment and the repayment obligation remain with the property, not with the borrower, meaning if a building is sold, the obligation passes to the new owner.

What are the benefits of C-PACER to a municipality?

The C-PACER program is low risk, high-impact, and opt-in. It has received broad support statewide because it can help drive private investment in local property, enhance property values and tax base, and support economic development and job creation, all with no cost to the municipality and minimal municipal staff time.

How does a municipality participate in the C-PACER program?

Municipalities[1] must first adopt the provisions of the C-PACER law (RSA 53-F) through the procedures established in RSA 53-F:2. According to current statute:

- A **town**'s legislative body may vote on the question at an annual meeting if the governing body places the question on the warrant.

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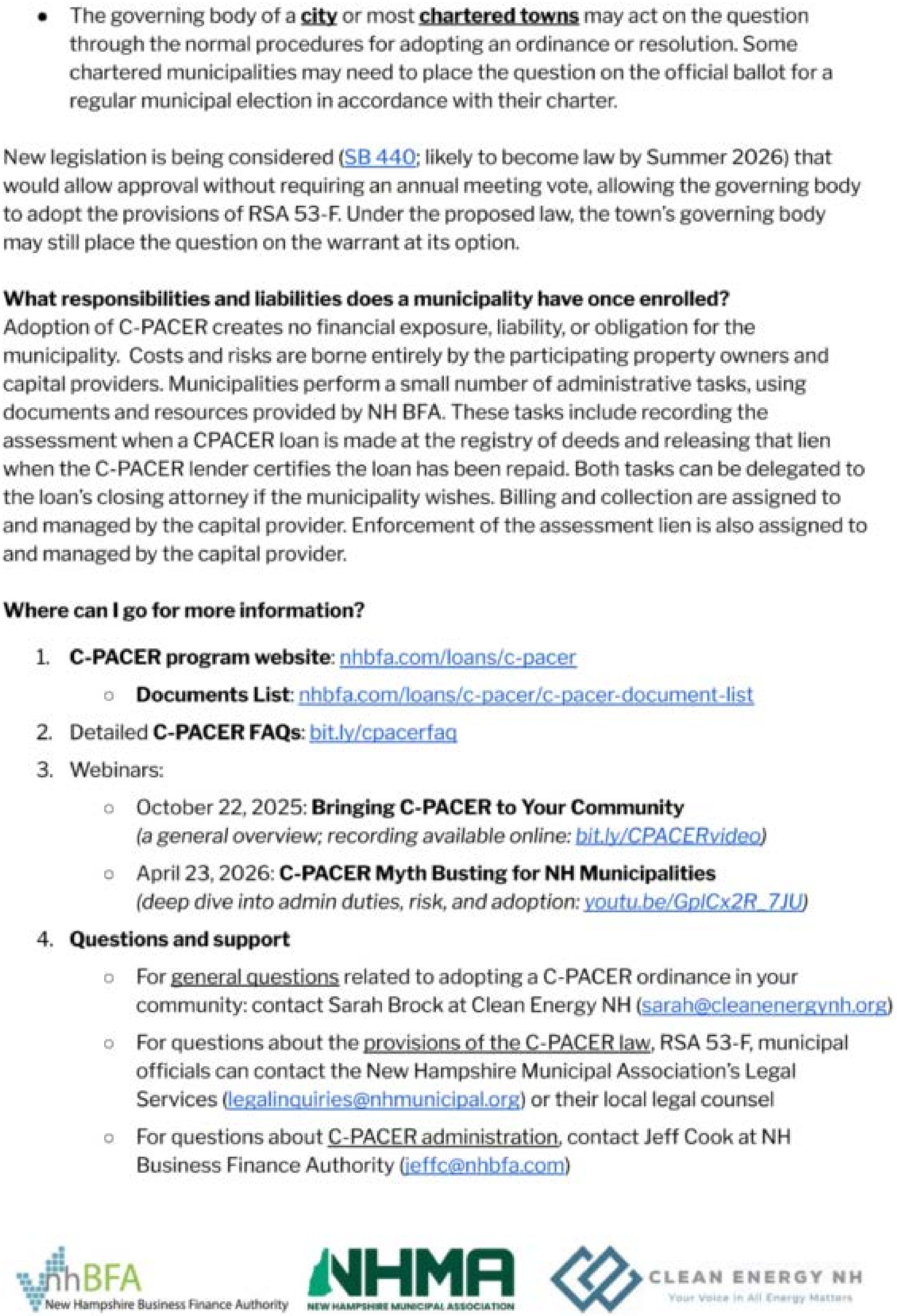
[1] In unincorporated areas of NH, the county would be responsible for establishing a C-PACER district.

nhBFA New Hampshire Business Finance Authority

NHMA NEW HAMPSHIRE MUNICIPAL ASSOCIATION

CLEAN ENERGY NH Your Voice in All Energy Matters



- The governing body of a **city** or most **chartered towns** may act on the question through the normal procedures for adopting an ordinance or resolution. Some chartered municipalities may need to place the question on the official ballot for a regular municipal election in accordance with their charter.

New legislation is being considered (SB 440; likely to become law by Summer 2026) that would allow approval without requiring an annual meeting vote, allowing the governing body to adopt the provisions of RSA 53-F. Under the proposed law, the town's governing body may still place the question on the warrant at its option.

What responsibilities and liabilities does a municipality have once enrolled?
Adoption of C-PACER creates no financial exposure, liability, or obligation for the municipality. Costs and risks are borne entirely by the participating property owners and capital providers. Municipalities perform a small number of administrative tasks, using documents and resources provided by NH BFA. These tasks include recording the assessment when a CPACER loan is made at the registry of deeds and releasing that lien when the C-PACER lender certifies the loan has been repaid. Both tasks can be delegated to the loan's closing attorney if the municipality wishes. Billing and collection are assigned to and managed by the capital provider. Enforcement of the assessment lien is also assigned to and managed by the capital provider.

Where can I go for more information?

1. **C-PACER program website**: nhbfa.com/loans/c-pacer
   - **Documents List**: nhbfa.com/loans/c-pacer/c-pacer-document-list
2. Detailed **C-PACER FAQs**: bit.ly/cpacerfaq
3. Webinars:
   - October 22, 2025: **Bringing C-PACER to Your Community**
     (a general overview; recording available online: bit.ly/CPACERvideo)
   - April 23, 2026: **C-PACER Myth Busting for NH Municipalities**
     (deep dive into admin duties, risk, and adoption: youtu.be/GplCx2R_7JU)
4. **Questions and support**
   - For general questions related to adopting a C-PACER ordinance in your community: contact Sarah Brock at Clean Energy NH (sarah@cleanenergynh.org)
   - For questions about the provisions of the C-PACER law, RSA 53-F, municipal officials can contact the New Hampshire Municipal Association's Legal Services (legalinquiries@nhmunicipal.org) or their local legal counsel
   - For questions about C-PACER administration, contact Jeff Cook at NH Business Finance Authority (jeffc@nhbfa.com)

RESOLUTION #2026-13 OF DURHAM, NEW HAMPSHIRE

RESOLUTION PERTAINING TO THE PUBLIC PURPOSE AND BENEFIT OF ADOPTING THE PROVISIONS OF RSA 53-F AND DESIGNATING THE TOWN OF DURHAM IN ITS ENTIRETY AS AN "ENERGY EFFICIENCY AND CLEAN ENERGY DISTRICT" THAT ENABLES COMMERCIAL PROPERTY OWNERS TO USE C-PACER FINANCING FOR CLEAN ENERGY, ENERGY EFFICIENCY AND RESILIENCY IMPROVEMENTS IN MULTI-UNIT RESIDENTIAL BUILDINGS WITH MORE THAN FIVE (5) DWELLING UNITS, AND COMMERCIAL AND INDUSTRIAL PROPERTIES.

WHEREAS, RSA 53-F was significantly amended in 2025 by the passage of NH Senate Bill 4, signed by Governor Kelly Ayotte and becoming effective on February 27, 2025, enacted as Chapter 1, Laws of 2025, to designate the NH Business Finance Authority as the administrator of the Commercial Property Assessed Clean Energy and Resiliency (C-PACER) program; and

WHEREAS, RSA 53-F finds public benefit to protecting the economic and social well-being of New Hampshire communities vulnerable to the threat of global climate change; and

WHEREAS, the Durham Energy Committee has recommended the Town of Durham adopt RSA 53-F to facilitate clean energy and energy efficiency improvements; and

WHEREAS, installing clean energy and making energy efficiency improvements in Durham's built environment are aligned with Durham's Master Plan and Climate Action Plan further demonstrating RSA 53-F serves the public purpose; and

WHEREAS, the New Hampshire Business Finance Authority and Clean Energy NH have determined C-PACER will support economic development and job creation, and will encourage private investment in local property, enhancing property values and the tax base; and

WHEREAS, it has been shown that resiliency improvements to floods and weather provide a public benefit and may reduce the demands on Emergency Services during floods and other extreme weather events; and

WHEREAS, the Town Council held a properly noticed Public Hearing on September 14, 2026, on Resolution #2026-13 affirming the public purpose and benefits of adopting RSA 53-F; and

WHEREAS, The Town Council may choose to pass a resolution to adopt RSA 53-F in the future;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, hereby adopts **Resolution #2026-13** finding that adopting RSA 53-F will serve the public purpose as set forth in RSA 53-F and not primarily be for the benefit of private persons; and designates the Town of Durham in its entirety as an "Energy Efficiency and Clean Energy District" as defined in RSA 53-F.

PASSED AND ADOPTED this ___ day of __________by a majority vote of the Durham Town Council with ________voting in favor, ___voting against, and abstaining.

____
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: #11A TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: **QUARTERLY FINANCIAL REPORT THROUGH JUNE 30, 2026**

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In compliance with section 5.6 of the Durham Town Charter attached for your review and consideration is a financial report for 2026 through June 30, 2026. General Fund information is broken down by function which may be helpful for your analysis and for the purpose of discussion at the Town Council Meeting. Revenue and expense reports for all other funds are presented in summary format. You will note 2025 is included for year-to-year to date comparison purposes.

LEGAL AUTHORITY:

Durham Town Charter Section 5.6

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The Town's expenditures as of June 30, 2026 show a total expenditure of $8,899,356 or 40.2% of the total approved budget amount of $22,122,325.

To compare, the amount expended as of June 30, 2025 was $8,735,712 or 38.4% of the total 2025 approved budget of $22,731,901.

As reported in the first quarter report, the Town Council contingency account was used for two unforeseen events at the Library and a third event at the Town Offices.

After the payment for these events the balance remaining in the $50,000 contingency account is $16,757.

There are no abnormalities in the other expense lines to be reported.

On the revenue side, you will note the departmental income is high due to the receipt of building permit fees for the Riverwoods expansion in the amount of $140,000.

The miscellaneous revenue estimated for 2026 is lower than 2025 due to the decrease in the amount expected to be received for interest income.

The Tax Collector has reported that as of July 2nd 88% of the first half tax warrant had been collected. This is in line with previous years.

There are no abnormalities in the other revenue lines to be reported.

SUGGESTED ACTION OR RECOMMENDATIONS:

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

GENERAL FUND	2026 Budget/Estimated January 1 - June 30, 2026				2025 Budget/Estimated January 1 - June 30, 2025			
PROPERTY TAXES/ABATEMENTS/CREDITS	Estimated Revenue 2026	Revenues Ending 06/30/26	Revenues (Under) Over 2026	Percent Collected 06/30/26	Estimated Revenue 2025	Revenues Ending 06/30/25	Revenues (Under) Over 2025	Percent Collected 06/30/25
Property Taxes	$12,847,225	$5,363,644	($7,483,581)	41.7%	$11,211,371	$5,016,380	($6,194,991)	44.7%
Payment in Lieu of Taxes	$1,008,000	$0	($1,008,000)	0.0%	$992,850	$0	($992,850)	0.0%
Veteran Service Credits	($158,000)	$0	$158,000	0.0%	($158,000)	$0	$158,000	0.0%
Abatements	($1,640,000)	($617,599)	($1,022,401)	37.7%	($485,000)	($78,461)	($406,539)	16.2%
Fund Balance (covering abatements listed above)	$1,640,000	$0	$1,640,000	0.0%	$485,000	$0	($485,000)	0.0%
Fund Balance (Capital Projects)	$0	$0	$0	0.0%	$2,615,425	$0	($2,615,425)	0.0%

REVENUES	Estimated Revenue 2026	Revenues Ending 06/30/26	Revenues (Under) Over 2026	Percent Collected 06/30/26	Estimated Revenue 2025	Revenues Ending 06/30/25	Revenues (Under) Over 2025	Percent Collected 06/30/25
Interest and Penalties on Delinquent Taxes	$40,000	$31,922	($8,078)	79.8%	$40,000	$19,369	($20,631)	48.4%
Permit Fees	$1,646,435	$967,903	($678,532)	58.8%	$1,586,550	$822,556	($763,994)	51.8%
State/Federal Revenues	$1,745,000	$132,908	($1,612,092)	7.6%	$1,742,000	$115,117	($1,626,883)	6.6%
Intergovernmental Revenues (ORCSD-SRO)	$109,050	$54,525	($54,525)	50.0%	$102,480	$51,242	($51,238)	50.0%
UNH - Shared Services, Fire & Debt Service	$3,165,140	$1,730,179	($1,434,962)	54.7%	$2,962,395	$1,612,059	($1,350,336)	54.4%
Departmental Income	$413,100	$329,287	($83,813)	79.7%	$412,000	$230,456	($181,544)	55.9%
Fire and Police Special Details	$138,000	$55,033	($82,967)	39.9%	$138,000	$61,647	($76,353)	44.7%
Miscellaneous Revenue	$301,350	$142,438	($158,912)	47.3%	$461,300	$132,317	($328,983)	28.7%
Transfer in - Other Funds	$809,025	$0	($809,025)	0.0%	$624,930	$0	($624,930)	0.0%
Total General Fund Revenues	$8,367,100	$3,444,195	($4,922,906)	41.2%	$8,069,655	$3,044,763	($5,024,892)	37.7%

GENERAL FUND	2026 Budget/Estimated January 1 - June 30, 2026				2025 Budget/Estimated January 1 - June 30, 2025			
EXPENDITURES	Council Budget 2026	Expended Through 06/30/26	Expenditures (Under) Over 2026	Percent Expended 06/30/26	Council Budget 2025	Expended Through 06/30/25	Expenditures (Under) Over 2025	Percent Expended 06/30/25
GENERAL GOVERNMENT								
Town Council	$87,250	$59,034	($28,216)	67.7%	$87,250	$24,347	($62,903)	27.9%
Town Treasurer	$6,030	$2,734	($3,296)	45.3%	$6,030	$2,756	($3,274)	45.7%
Town Administrator	$452,870	$224,342	($228,528)	49.5%	$450,500	$202,002	($248,498)	44.8%
Elections	$29,130	$9,100	($20,030)	31.2%	$14,050	$5,579	($8,471)	39.7%
Tax Collector/Town Clerk	$322,850	$147,029	($175,821)	45.5%	$311,390	$140,515	($170,875)	45.1%
Accounting	$607,740	$260,414	($347,326)	42.8%	$563,300	$247,637	($315,663)	44.0%
Assessing	$287,560	$111,282	($176,278)	38.7%	$299,175	$115,029	($184,146)	38.4%
Legal - Attorney Fees	$80,000	$32,329	($47,671)	40.4%	$80,000	$25,135	($54,865)	31.4%
Planning	$243,830	$105,357	($138,473)	43.2%	$241,900	$105,196	($136,704)	43.5%
Boards/Commissions/Committees	$55,770	$23,672	($32,098)	42.4%	$60,450	$24,477	($35,973)	40.5%
DCAT	$99,750	$46,234	($53,516)	46.3%	$161,488	$72,855	($88,633)	45.1%
GIS	$127,530	$57,937	($69,593)	45.4%	$124,410	$54,567	($69,843)	43.9%
MIS	$598,780	$328,704	($270,076)	54.9%	$598,770	$356,807	($241,963)	59.6%
Building Inspection	$191,000	$66,888	($124,112)	35.0%	$226,600	$80,386	($146,214)	35.5%
Emergency Management	$1,000	$0	($1,000)	0.0%	$1,000	$0	($1,000)	0.0%
Other General Government	$531,400	$149,172	($382,228)	28.1%	$372,100	$154,065	($218,035)	41.4%
General Government Total	$3,722,490	$1,624,228	($2,098,262)	43.6%	$3,598,413	$1,611,353	($1,987,060)	44.8%
PUBLIC SAFETY								
Police Department	$4,100,790	$1,700,481	($2,400,309)	41.5%	$3,898,855	$1,772,818	($2,126,037)	45.5%
Police Department Special Details	$78,100	$29,833	($48,267)	38.2%	$72,300	$32,366	($39,934)	44.8%
Fire Department	$5,845,350	$2,509,575	($3,335,775)	42.9%	$5,437,350	$2,275,233	($3,162,117)	41.8%
Fire Department Special Details	$38,460	$13,756	($24,704)	35.8%	$38,700	$13,321	($25,379)	34.4%
Communication Center	$34,500	$35,705	$1,205	103.5%	$40,400	$36,190	($4,210)	89.6%
Ambulance Services	$158,340	$79,168	($79,172)	50.0%	$153,600	$38,401	($115,199)	25.0%
Public Safety Total	$10,255,540	$4,368,518	($5,887,022)	42.6%	$9,641,205	$4,168,329	($5,472,876)	43.2%

	2026 Budget/Estimated January 1 - June 30, 2026				2025 Budget/Estimated January 1 - June 30, 2025			
PUBLIC WORKS								
Administration	$427,370	$188,499	($238,871)	44.1%	$429,800	$182,479	($247,321)	42.5%
Engineer	$216,710	$72,849	($143,861)	33.6%	$163,500	$46,257	($117,243)	28.3%
Stormwater Permitting	$3,500	$1,500	($2,000)	42.9%	$1,100	$1,441	$341	131.0%
Town Buildings	$347,620	$162,630	($184,990)	46.8%	$351,850	$149,636	($202,214)	42.5%
Town Cemeteries & Trusted Graveyards	$11,090	$3,019	($8,071)	27.2%	$11,150	$66	($11,084)	0.6%
Wagon Hill & Parks & Grounds Maintenance	$234,230	$93,685	($140,545)	40.0%	$222,660	$92,742	($129,918)	41.7%
Equipment Maintenance	$283,100	$142,901	($140,199)	50.5%	$300,400	$154,680	($145,720)	51.5%
Roadway Maintenance	$204,810	$56,174	($148,636)	27.4%	$200,800	$46,861	($153,939)	23.3%
Drainage & Vegetation	$143,990	$27,565	($116,425)	19.1%	$147,600	$37,593	($110,007)	25.5%
Snow Removal	$349,210	$265,214	($83,996)	75.9%	$349,800	$171,630	($178,170)	49.1%
Traffic Control	$153,820	$83,402	($70,418)	54.2%	$179,100	$72,395	($106,705)	40.4%
Bridges & Dams	$249,750	$75,257	($174,493)	30.1%	$310,550	$75,556	($234,994)	24.3%
Public Works Use of Donations	$0	$0	$0	0.0%	$0	$0	$0	0.0%
Public Works Total	$2,625,200	$1,172,695	($1,452,505)	44.7%	$2,668,310	$1,031,336	($1,636,974)	38.7%
SANITATION								
Solid Waste Administration	$217,990	$102,136	($115,854)	46.9%	$244,575	$107,048	($137,527)	43.8%
Rolloff Vehicle Operation	$72,310	$13,124	($59,186)	18.1%	$76,600	$14,218	($62,382)	18.6%
Curbside Collection	$298,185	$99,118	($199,067)	33.2%	$236,400	$102,328	($134,072)	43.3%
Litter Removal	$27,780	$4,128	($23,652)	14.9%	$27,800	$8,782	($19,018)	31.6%
Recycling	$227,050	$75,163	($151,887)	33.1%	$174,800	$54,060	($120,740)	30.9%
Solid Waste Management Facility (SWMF)	$165,820	$74,408	($91,412)	44.9%	$151,000	$71,603	($79,397)	47.4%
Sanitation Total	$1,009,135	$368,077	($641,058)	36.5%	$911,175	$358,039	($553,136)	39.3%

	2026 Budget/Estimated January 1 - June 30, 2026				2025 Budget/Estimated January 1 - June 30, 2025			
HEALTH & WELFARE								
Health Inspector	$150	$0	($150)	0.0%	$150	$0	($150)	0.0%
Social Service Agencies	$14,175	$14,175	$0	100.0%	$13,925	$13,925	$0	100.0%
Direct Assistance (Welfare)	$40,000	$10,154	($29,846)	25.4%	$50,000	$6,401	($43,599)	12.8%
Health & Welfare Total	$54,325	$24,329	($29,996)	44.8%	$64,075	$20,326	($43,749)	31.7%
CULTURE & RECREATION								
Parks & Recreation Department	$554,695	$217,472	($337,223)	39.2%	$565,385	$218,175	($347,210)	38.6%
Memorial Day	$500	$165	($335)	33.0%	$500	$245	($255)	49.0%
Conservation	$93,110	$32,796	($60,314)	35.2%	$68,150	$20,418	($47,732)	30.0%
Culture & Recreation Total	$648,305	$250,433	($397,872)	38.6%	$634,035	$238,838	($395,197)	37.7%
DEBT SERVICE								
Principal	$1,813,030	$794,120	($1,018,910)	43.8%	$1,314,480	$1,000,340	($314,140)	76.1%
Interest	$607,055	$296,956	($310,099)	48.9%	$298,300	$262,151	($36,149)	87.9%
Debt Service Charges	$1,000	$0	($1,000)	0.0%	$6,000	$0	($6,000)	0.0%
Debt Service Total	$2,421,085	$1,091,076	($1,330,009)	45.1%	$1,618,780	$1,262,491	($356,289)	78.0%
TRANSFERS								
Transfer to Library	$647,245	$0	($647,245)	0.0%	$635,683	$0	($635,683)	0.0%
Transfer to Capital Project Fund	$699,000	$0	($699,000)	0.0%	$2,915,225	$0	($2,915,225)	0.0%
Transfer to Capital Reserve Fund	$40,000	$0	($40,000)	0.0%	$45,000	$45,000	$0	100.0%
Transfers Total	$1,386,245	$0	($1,386,245)	0.0%	$3,595,908	$45,000	($3,550,908)	1.3%
TOTAL GENERAL FUND EXPENDITURES	$22,122,325	$8,899,356	($13,222,969)	40.2%	$22,731,901	$8,735,712	($13,996,189)	38.4%

OTHER FUNDS	2026 Budget/Estimated January 1 - June 30, 2026				2025 Budget/Estimated January 1 - June 30, 2025			
Water Fund	Estimated 2026	Ending 06/30/26	Under (Over) 2026	Percent as of 06/30/26	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25
Revenues	$1,794,960	$877,621	($917,339)	48.9%	$1,585,707	$781,609	($804,098)	49.3%
Expenses	$1,794,960	$584,896	($1,210,064)	32.6%	$1,585,707	$605,104	($980,603)	38.2%
Sewer Fund	Estimated 2026	Ending 06/30/26	Under (Over) 2026	Percent as of 06/30/26	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25
Revenues	$3,462,062	$1,877,489	($1,584,573)	54.2%	$3,299,084	$1,682,573	($1,616,511)	51.0%
Expenses	$3,462,062	$1,472,253	($1,989,809)	42.5%	$3,299,084	$1,561,313	($1,737,771)	47.3%
Parking Fund	Estimated 2026	Ending 06/30/26	Under (Over) 2026	Percent as of 06/30/26	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25
Revenues	$575,000	$336,087	($238,913)	58.4%	$448,000	$266,655	($181,345)	59.5%
Expenses	$365,275	$125,705	($239,570)	34.4%	$417,950	$167,601	($250,349)	40.1%
Depot Road Fund	Estimated 2026	Ending 06/30/26	Under (Over) 2026	Percent as of 06/30/26	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25
Revenues	$189,000	$104,527	($84,473)	55.3%	$141,000	$27,444	($113,556)	19.5%
Expenses	$32,000	$6,156	($25,844)	19.2%	$37,000	$1,327	($35,673)	3.6%
Churchill Rink Fund	Estimated 2026	Ending 06/30/26	Under (Over) 2026	Percent as of 06/30/26	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25
Revenues	$412,500	$195,764	($216,736)	47.5%	$360,000	$199,087	($160,913)	55.3%
Expenses	$412,500	$144,656	($267,844)	35.1%	$321,300	$135,540	($185,760)	42.2%
Library Fund	Estimated 2026	Ending 06/30/26	Under (Over) 2026	Percent as of 06/30/26	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25
Revenues	$666,495	$18,572	($647,923)	2.8%	$654,933	$635,683	($19,250)	97.1%
Expenses	$666,495	$305,905	($360,590)	45.9%	$654,933	$310,419	($344,514)	47.4%

TOWN OF DURHAM
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AGENDA ITEM: #11B TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Town Council

AGENDA ITEM: **PRESENTATION BY FIRE CHIEF, DAVE EMANUEL, ON THE OPERATIONS OF THE FIRE DEPARTMENT.**

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Goal 1 of the Town Council Goals states: **Facilitate optimal functioning of Town government through continuous improvement, new efficiencies, and waste reductions.** As part of this goal, the Council requested that they: ***Identify educational opportunities for the Council, such as presentations from the fire, police, and public works departments concerning their operations and programs, the working of the NH Municipal Bond Bank, fire/EMS response protocols and mutual aid coverage, etc., that will help it more effectively carry out its responsibilities.***

In line with this goal, the Fire Department Chief, Dave Emmanuel, will be giving a presentation on the structure and operations of the Fire Department.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No action is required. Hold question and answer session if desired.

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AGENDA ITEM: #11C TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Councilor Lawson and the Durham Police Department

AGENDA ITEM: **PRESENTATION AND DISCUSSION REGARDING THE MUNICIPAL PARKING DATA COLLECTION AND ANALYSIS FROM THE SPRING OF 2026.**

CC PREPARED BY: Jim Lawson

PRESENTED BY: Jim Lawson, Council Member

AGENDA DESCRIPTION:

During April of 2026, Durham Parking Enforcement personnel augmented by volunteers collected downtown municipal parking data. Over 90 sets of data were collected throughout the day for a two-week period, Monday to Saturday. This data has been archived and analyzed to determine the parking utilization and availability for different parking types, which may help inform future changes to parking policies.

This presentation will review the results for short- and long-term parking and business permit parking. Police Captain John Lavoie will be available to answer questions if needed. A final report will be released in August reviewing and summarizing all the data collected.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No action is required

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AGENDA ITEM: #12A TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Planning Board

AGENDA ITEM: **PUBLIC HEARING AND POSSIBLE ADOPTION OF 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.**

CC PREPARED BY: Michael Behrendt, Town Planner

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

AGENDA DESCRIPTION:

Earlier, the Town Council deliberated including some architectural standards in the Zoning Ordinance in order to mitigate the height of 5 story buildings. This proposed amendment does not include any architectural standards, but the Town Council postponed holding the public hearing on this amendment until prospective amendments to the Architectural Regulations addressing building height were adopted.

The Planning Board adopted extensive changes to the Architectural Regulations on June 24, 2026. These regulations are part of the Site Plan Regulations and adherence is mandatory, though there is judgment involved in interpreting some provisions and the Planning Board can waive any requirements at its option. You can see the regulations

here:
https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning/page/20731/architectural_regulations_-_amendments_adopted_june_24_2026.pdf

Here is the language in the current regulations applying to building height. Key sections are high- lighted. The second sentence in 6) a) provides that the setback applies to the entire front façade of a building on Map 106, Lot 61 (The lot with Aroma Joe's) along the southwesterly lot line.

M) **Height.** Note that height limits and related principles, including treatment of "story," are specified in the Zoning Ordinance. This section provides standards to be met within those parameters.

1) Minimum height. To reinforce the streetscape, buildings shall contain at least two stories. (and preferably at least 2-1/2 stories), The only district where this is not essential is the Courthouse District, though it is still preferred. Where a single story is used (and often, also when there are only two stories), such as in part of the Courthouse District, Designs shall incorporate a device - such as a high parapet (as shown on the two buildings below), a tall story, a corner tower, or a steep roof to add stature to the building.

2) Mitigation for taller buildings. With buildings that are taller than 3 stories architectural techniques shall be employed to reduce the sense of height and mass. These techniques shall include a prominent third-story eave line, created either by a pitched roof or by other design features which accomplish the purpose of this section.

3) Height-width ratio of street. The relationship/ratio between: (a) the average height of buildings on both sides of the street, and (b) the average width measured across the street between those facing buildings on opposite sides of the street determines the feel of a street. For example, if the ratio is too low, such as 1:4, then the low-facing street walls will fail to provide a sense of enclosure. If the ratio is too high, such as 2:1, then a canyon effect will result.

4) Variation in heights. Some variation in building height within a block is desirable to help break up the mass of the block and to create variety and interest. Ideally, there will not be more than a one- or 1 1/2-story difference in height between adjacent buildings in order to maintain continuity along the streetscape. The long-term objective is for a block to not include excessive variation in building heights.

5) First floor. The first floor shall be at grade or preferably raised slightly above grade. It shall be prominent and readily discernible as the first story. If there is

a lower level or basement floor it shall be situated entirely or mostly below grade in order that it read clearly as a basement level and cause no confusion as to which is the first story. Human scale shall be achieved not only through overall size, but through the design of the first floor, the frequency of entrances, the visibility of activity, and the use of materials and details that create visual interest at walking speed.

6) Fifth Story Setbacks. When a building contains five stories, the fifth story shall be set back from the first floor of the building as follows:

   a) On lots that abut Main Street the 5th story shall be set back by at least 20 feet. This requirement applies to any side of the building that forms an angle of 45 degrees or less with Main Street.

   b) by at least 10 feet where the building faces any other public street and the lot abuts that street (This setback applies specifically to whichever elevation faces the public street – front, side, or rear).

At the meeting on June 1, 2026, the Town Council scheduled a Public Hearing on this item for their meeting of Monday, August 3, 2026. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, June 11, 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 hereby OPENS the Public Hearing 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.

MOTION #2:

The Durham Town Council hereby CLOSES the Public Hearing 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.

MOTION #3:

The Durham Town Council hereby ADOPTS 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.

Area Proposed for Zoning Amendment

CB-1 and CB-2 Zoning Districts


Town of Du
Central Busin
Prospective Zoni
Central Business 1
Central Business 2
Garrison Avenue
Main Street
Mill Road
Woodman Road
Dennison Road
Cowell Drive
Faculty Road
Craft College
Stoke Hall
Smith Hall
Hamilton Smith Hall
Union Court
Fairchild Hall
Mills Hall
Alexander Hall
Randall Hall
Englehardt Hall
Lower Quad Courtyard
Gibbs Basketball Court
Waysmeet
Unitarian Universalist Fellowship
Durham Post Office

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 held a duly-noticed Public Hearing on this Ordinance on August 3, 2026.

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 test 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.

6. 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.

7. 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.**~~

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.*

❖ *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 Setback^4 in Feet	NA	NA	15	5	10	15
Minimum Rear Setback^4 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.]

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AGENDA ITEM: #12B
DATE: August 3 2026

COUNCIL COMMUNICATION

INITIATED BY: Police Captain John Lavoie

AGENDA ITEM: **Public Hearing and Possible Adoption of Ordinance #2026-06 amending Chapter 153, "Vehicles & Traffic," Section 153-29, "Metered Parking Areas," of the Durham Town Code, to expand metered parking to Wagon Hill Farm.**

CC PREPARED BY: Police Captain John Lavoie

PRESENTED BY: Police Captain John Lavoie

AGENDA DESCRIPTION:

Chapter 153 "Vehicles and Traffic," Section 153-29, "Metered Parking Areas ," of the Durham Town Code, describes metered parking areas throughout Town. A new section, "K," would be added to specific new regulations for parking at Wagon Hill Farm, including timed payment for vehicles that do not have valid assigned Town stickers from Durham, Lee, or Madbury.

At the meeting on July 6, 2026, the Town Council scheduled a Public Hearing on this item for their meeting of Monday, August 3, 2026. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, July 9, 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:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Cost to implement, $0. Signs for posted areas will be provided by Park Mobile for free. DPW would need to install. There is no new cost to create a Park Mobile Zone in this area. Revenue predictions, unknown at this time. Recommend that fees would be set for $1.00 per 30 minutes, $2.00 for one hour. These fees would be added to the Master Schedule and are "Set by the Town Administrator" as is indicated in the Police Department portion of the Master Fee Structure.

Also, see email dated March 23, 2026, regarding hypothetical revenue projection.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1:

The Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2026-06 amending Chapter 153 "Vehicles and Traffic", Section 153-29, "Metered Parking Areas," of the Durham Town Code, to expand metered parking to Wagon Hill Farm.

MOTION #2:

The Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2026-06 amending Chapter 153 "Vehicles and Traffic", Section 153-29, "Metered Parking Areas," of the Durham Town Code, to expand metered parking to Wagon Hill Farm.

MOTION #3:

The Durham Town Council does hereby ADOPT Ordinance #2026-06 amending Chapter 153 "Vehicles and Traffic", Section 153-29, "Metered Parking Areas," of the Durham Town Code, to expand metered parking to Wagon Hill Farm.

ORDINANCE #2026-06 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 153, "VEHICLES & TRAFFIC," SECTION 153-29, "METERED PARKING AREAS," OF THE DURHAM TOWN CODE, TO EXPAND PAID METERED PARKING AT WAGON HILL FARM PARKING AREAS.

WHEREAS, Chapter 153, "Vehicles & Traffic," section 153-29, "Metered Parking Areas" of the Durham Town Code addresses all paid metered parking throughout the Town of Durham; and

WHEREAS, a request by Town staff was made to expand metered parking regulations to Wagon Hill Farm; and

WHEREAS, on August 3, 2026 a duly posted and published Public Hearing was held by the Durham Town Council on the proposed ordinance change;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt **ADOPT Ordinance #2026-06** and does hereby amend Chapter 153 "Vehicles and Traffic," Section 153-29 "Metered Parking Areas," adding section "K" to expand metered parking regulations relative to Wagon Hill Farm.

153-29. Metered Parking Areas

K. Wagon Hill Farm

1. There shall be no parking at the Wagon Hill Farm Lot except within designated parking areas. There is no parking in posted Fire Lanes. Parking in marked Handicap spaces, or Tenant Parking Only spaces, shall be by authorized vehicles only.

2. Payment for parking at Wagon Hill Farm shall be made via the Town of Durham's designated mobile parking application. This application will control designated parking areas.

3. The fees for parking in these designated areas shall be established or set as specified in the Master Fee Schedule, as amended on occasion.

4. These fees shall apply during times that Wagon Hill Farm is open, dawn till dusk, seven days a week, with no exceptions for holidays.

5. Vehicles displaying residential/taxpayer permits from Durham, Lee, or Madbury, will be exempt from parking fees. Residential permits must be clearly displayed to receive this exemption. Durham issued special permits will also be exempt as needed.

6. Persons who fail to pay appropriate fees as required, cause their vehicles to remain beyond the purchased or maximum time limits, or fail to display a Durham, Lee, or Madbury residential permit or sticker, shall be in violation of the provisions of this ordinance. Each time violation shall be deemed a separate offense.

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

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AGENDA ITEM: #12C

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Police Captain John Lavoie

AGENDA ITEM: **PUBLIC HEARING AND POSSIBLE ADOPTION OF ORDINANCE #2026-07 AMENDING CHAPTER 153, "VEHICLES & TRAFFIC," SECTION 153-29, "METERED PARKING AREAS," OF THE DURHAM TOWN CODE, TO EXPAND METERED AND PERMIT PARKING TO TECHNOLOGY DRIVE.**

CC PREPARED BY: Police Captain John Lavoie

PRESENTED BY: Police Captain John Lavoie

AGENDA DESCRIPTION:

Currently Technology Drive has no parking regulations, other than Winter Parking Ban – prohibiting overnight parking (1:00 a.m. to 6:00 a.m.). Through ordinance amendments, 100 lined spaces would be created on the right hand (east side) of Technology Drive, via roadway re-striping and marking. No construction or road re-design would be required.

Chapter 153 "Vehicles and Traffic," Section 153-29, "Metered Parking Areas ," of the Durham Town Code, describes metered parking areas throughout Town. A new section, "L," would be added to include regulations for parking on Technology Drive, including ten (10) spots for timed payment for vehicles using the current Park Mobile system used throughout Town. These spots would be available for twenty-four hour parking for up to 5 days. This is the same as the metered parking in Depot Road currently.

The remaining 90 spots would be available as permit parking only, at a rate of $300 per year.

At the meeting on July 6, 2026, the Town Council scheduled a Public Hearing on this item for their meeting of Monday, August 3, 2026. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, July 9, 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:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Cost to implement: Road grinding and remarking $7,148.00. Signage $3,000.00. Total $10,148.00.

Revenue predictions, unknown at this time. Fees for metered parking would mirror Depot Road structure - $1.50 per hour, daily rate of $18.00 (24 hours) for up to five days. These fees would be added to the Master Schedule and are "Set by the Town Administrator" as is indicated in the Police Department portion of the Master Fee Structure.

Permits would be priced at $300 per year. Due to a potentially late summer roll out, we anticipate that the permits would not sell out in the first round. Increased permit sales would be expected at UNH semester change and for the 2027-2028 academic year.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1:

The Durham Town Council does hereby OPENS the Public Hearing on Ordinance #2026-07 amending Chapter 153 "Vehicles and Traffic", Section 153-29, "Metered Parking Areas," of the Durham Town Code, to expand metered parking to Technology Drive.

MOTION #2:

The Durham Town Council does hereby CLOSES the Public Hearing on Ordinance #2026-07 amending Chapter 153 "Vehicles and Traffic", Section 153-29, "Metered Parking Areas," of the Durham Town Code, to expand metered parking to Technology Drive.

__MOTION #3:__

The Durham Town Council does hereby ADOPTS Ordinance #2026-07 amending Chapter 153 "Vehicles and Traffic", Section 153-29, "Metered Parking Areas," of the Durham Town Code, to expand metered parking to Technology Drive.

Overview of Technology Drive, Highlighted areas are sections where parking will be established.

Technology Drive, looking toward Main Street intersection.

Technology Drive between Manor Street and Clubhouse Street

Technology Drive at entrance to RJ Kelly, 121 Technology Drive property, looking toward Main Street.

ORDINANCE #2026-07 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 153, "VEHICLES & TRAFFIC," SECTION 153-29, "METERED PARKING AREAS," OF THE DURHAM TOWN CODE, TO EXPAND PAID METERED PARKING AND PERMITTED PARKING ON TECHNOLOGY DRIVE.

WHEREAS, Chapter 153, "Vehicles & Traffic," section 153-29, "Metered Parking Areas" of the Durham Town Code addresses all paid metered parking throughout the Town of Durham; and

WHEREAS, a request by Town staff was made to expand metered and permit parking regulations on Technology Drive; and

WHEREAS, on August 3, 2026 a duly posted and published Public Hearing was held by the Durham Town Council on the proposed ordinance change;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2026-07** and does hereby amend Chapter 153 "Vehicles and Traffic," Section 153-29 "Metered Parking Areas," adding section "L" to expand metered and permit parking regulations relative to Technology Drive.

153-29. Metered Parking Areas

L. Technology Drive

1. There shall be no parking on Technology Drive except within designated parking spaces.

2. Ten (10) spots, marked by signage indicating metered parking, shall be controlled by the Town of Durham's designated mobile parking application.

3. The fees for parking in these designated areas shall be established by the Administrator and as specified in the Master Fee Schedule, as amended on occasion.

4. These fees shall apply between 6:00 a.m. and 11:59 p.m., holidays excepted.

5. Owner(s) and/or operator(s) shall park their vehicle(s) within parking spaces delineated by signage indicating metered parking and immediately initiate a new parking session in the Town of Durham's designated mobile parking application, consistent with the instructions in the respective mobile application.

6. Persons who fail to pay appropriate fees as required, cause their vehicles to remain beyond the purchased or maximum time limits, shall be in violation of the provisions of this ordinance. Each time violation shall be deemed a separate offense.

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

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AGENDA ITEM: #12D

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Police Captain John Lavoie

AGENDA ITEM: **PUBLIC HEARING AND POSSIBLE ADOPTION OF ORDINANCE #2026-08 AMENDING CHAPTER 153, "VEHICLES & TRAFFIC," SECTION 153-49, "SCHEDULE XVII: PARKING PROHIBITED CERTAIN HOURS," OF THE DURHAM TOWN CODE, TO RESTRICT PARKING ON TECHNOLOGY DRIVE TO DAY AND OVERNIGHT PARKING ALLOWED BY PERMIT ONLY.**

CC PREPARED BY: Police Captain John Lavoie

PRESENTED BY: Police Captain John Lavoie

AGENDA DESCRIPTION:

Currently Technology Drive has no parking regulations, other than Winter Parking Ban – prohibiting overnight parking (1:00 a.m. to 6:00 a.m.). Through ordinance amendments, 100 lined spaces would be created on the right hand (east side) of Technology Drive, via roadway re-striping and marking. No construction or road re-design would be required.

Chapter 153 "Vehicles and Traffic," Section 153-29, "Metered Parking Areas ," of the Durham Town Code, describes metered parking areas throughout Town. A new section, "L," would be added to include regulations for parking on Technology Drive, including ten (10) spots for timed payment for vehicles using the current Park Mobile system used throughout Town. These spots would be available for twenty-four hour parking for up to 5 days. This is the same as the metered parking in Depot Road currently.

The remaining 90 spots would be available as permit parking only, at a rate of $300 per year.

An addition to Chapter 153 "Vehicles and Traffic," Section 153-49, "Schedule XVII: Parking Prohibited Certain Hours," is needed to clarify that all parking, except for permit and metered parking in 153-29, is prohibited on the street. This would now make parking on either side of Technology Drive a violation, unless it was in a marked parking spot delineated by metered parking or permit parking signs, with the appropriate fees paid in the mobile parking application or through possession of an appropriate permit.

At the meeting on July 6, 2026, the Town Council scheduled a Public Hearing on this item for their meeting of Monday, August 3, 2026. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, July 9, 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:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Cost to implement: Road grinding and remarking $7,148.00. Signage $3,000.00. Total $10,148.00.

Revenue predictions, unknown at this time. Fees for metered parking would mirror Depot Road structure - $1.50 per hour, daily rate of $18.00 (24 hours) for up to five days. These fees would be added to the Master Schedule and are "Set by the Town Administrator" as is indicated in the Police Department portion of the Master Fee Structure.

Permits would be priced at $300 per year. Due to a potentially late summer roll out, we anticipate that the permits would not sell out in the first round. Increased permit sales would be expected at UNH semester change and for the 2027-2028 academic year. If all 90 permits were sold, the revenue would be $27,000.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1:
The Durham Town Council does hereby OPENS the Public Hearing on Ordinance #2026-08 amending Chapter 153 "Vehicles and Traffic", Section 153-49, "Schedule XVII: Parking Prohibited Certain Hours," of the Durham Town Code, to restrict certain parking and expand metered and permitted parking to Technology Drive.

MOTION #2:
The Durham Town Council does hereby CLOSES the Public Hearing on Ordinance #2026-08 amending Chapter 153 "Vehicles and Traffic", Section 153-49, "Schedule XVII: Parking Prohibited Certain Hours," of the Durham Town Code, to restrict certain parking and expand metered and permitted parking to Technology Drive.

MOTION #3:
The Durham Town Council does hereby ADOPTS Ordinance #2026-08 amending Chapter 153 "Vehicles and Traffic", Section 153-49, "Schedule XVII: Parking Prohibited Certain Hours," of the Durham Town Code, to restrict certain parking and expand metered and permitted parking to Technology Drive.

ORDINANCE #2026-08 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 153, "VEHICLES & TRAFFIC," SECTION 153-49, "SCHEDULE XVII: PARKING PROHIBITED CERTAIN HOURS," OF THE DURHAM TOWN CODE, TO RESTRICT PARKING ON TECHNOLOGY DRIVE TO DAY AND OVERNIGHT PARKING ALLOWED BY PERMIT ONLY.

WHEREAS, Chapter 153, "Vehicles & Traffic," section 153-49, "Schedule XVII: Parking Prohibited Certain Hours" of the Durham Town Code addresses no parking during certain hours throughout the Town of Durham; and

WHEREAS, a request by Town staff was made to expand metered and permit parking regulations on Technology Drive; and

WHEREAS, on August 3, 2026 a duly posted and published Public Hearing was held by the Durham Town Council on the proposed ordinance change;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2026-08** and does hereby amend Chapter 153 "Vehicles and Traffic," Section 153-49 "Schedule XVII: Parking Prohibited Certain Hours," adding a section to restrict parking on Technology Drive to day and overnight parking allowed by permit only.

153-49. Schedule XVII: Parking Prohibited Certain Hours

Name of street	Side	Hours/Days	Parking Prohibited
Technology Drive	*All*	*Day & overnight parking allowed by permit only*	*Parking, including overnight parking, prohibited except by permit only or in marked metered spots with payment, pursuant to regulations adopted by the Town Administrator..*

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

1732

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AGENDA ITEM: #14A TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Planning Board

AGENDA ITEM: **FIRST READING ON ORDINANCE #2026-09 AMENDING CHAPTER 175, "ZONING," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF LAND USES," OF THE TOWN CODE TO ALLOW A SINGLE-FAMILY RESIDENCE IN THE OR ZONING DISTRICT BY RIGHT AND TO ALLOW ADUS IN THE C, CC, AND OR ZONING DISTRICTS BY RIGHT AND SETTING THE PUBLIC HEARING FOR MONDAY, SEPTEMBER 14, 2026.**

CC PREPARED BY: Michael Behrendt, Town Planner

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

AGENDA DESCRIPTION:

Arts in Reach, a nonprofit organization, purchased 81 Dover Road (Map 209, Lot 7) several years ago for use by their organization. They obtained a conditional use from the Planning Board in November 2023 for a "community center." The lot contains a vacant house which they have used sporadically for their offices and a barn which they had planned to renovate for activities.

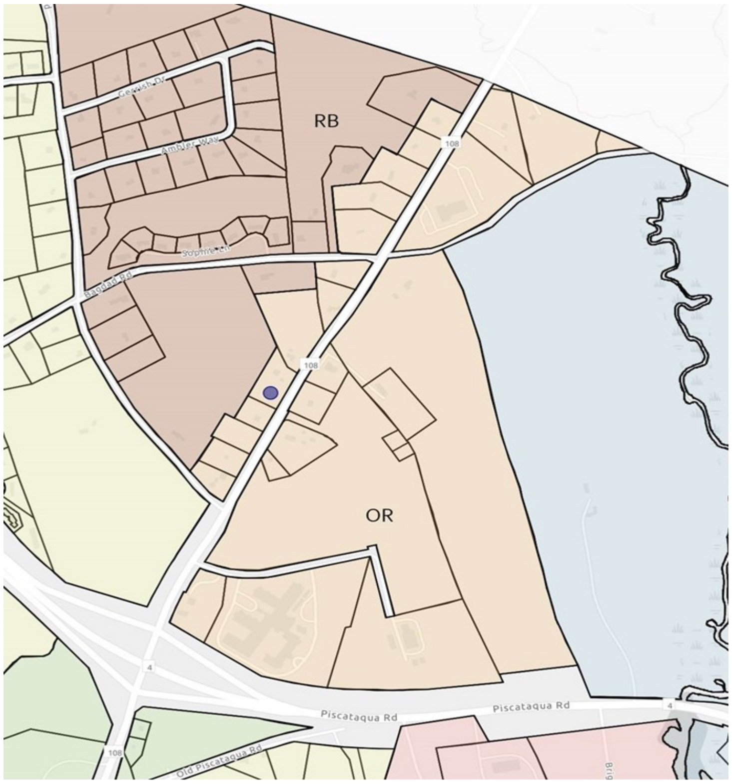
Later, Arts in Reach decided to not use the site and they are placing the property for sale. They saw that single-family residence is not allowed in this zone – Office Research Route 108 (OR), and they stated to the Town Planner that this limitation would significantly hinder marketing the property.

The reason that OR does not allow single family residences is that the stated purpose of the district in the ordinance is to "provide an area for the development of high-quality office and research uses in a rural business park environment…" However, the district includes mainly single-family residences and there is little opportunity for development. *Therefore, it seems logical to allow single-family residences by right rather than rendering all of these existing houses nonconforming*. A number of light commercial uses are allowed in the OR zone so there could still be some limited commercial development.

The district is largely built out except for one single family residence on a 31.5 acre lot. Of the 28 or so parcels zoned OR:

17 are single family residences which appear to be owner occupied
1 is a single family residence that appears to be investor owned
1 is a church
1 is Riverwoods
1 is now being developed as Riverwoods II
1 is an office
1 is a commercial facility
1 is the Durham Police Station
1 is Durham Public Works
1 is the Arts and Reach property which includes a house and a large outbuilding (marked below with purple dot)
1 is a .9 acre vacant lot
1 is a small vacant parcel connected to a large lot in the RC district

The OR District, straddling Dover Road/Route 108 is shown in light brown, below. Arts in Reach is marked with a purple dot. Riverwoods is shown at the bottom, just above Route 4.



Another change worth making at this time is to allow accessory dwelling units in three zones where they are not allowed now. ADUs are not allowed in the Courthouse, Coe's Corner, and OR districts because single family residences are not allowed in those zones. However, there may be houses in those zones (most likely built before the ordinance that prohibited them) and ADU's should be allowed with any single-family residence, even where it is nonconforming. I am not aware of any single-family residences in the CB1, CB2, or DBP zones, where they would be quite inappropriate anyway

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 Town Council does hereby Approve on First Reading Ordinance #2026-09 Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land Uses," of the Town Code to allow a single-family residence in the OR zoning district by right and to allow ADUs in the C, CC, and OR zoning districts by right and sets the Public Hearing for Monday, September 14, 2026

ORDINANCE #2026-09 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF LAND USES," OF THE TOWN CODE TO ALLOW A SINGLE-FAMILY RESIDENCE IN THE OR ZONING DISTRICT BY RIGHT AND TO ALLOW ADUS IN THE C, CC, AND OR ZONING DISTRICTS BY RIGHT.

WHEREAS, The Office Research Route 108 Zoning District was created with the goal of attracting primarily office and research type uses but today, the vast majority of uses within the Office Research Route 108 Zoning District are single family and there is little vacant land remaining; and

WHEREAS, In most cases, a Zoning District should permit by right a particular use if that existing use constitutes the majority of uses in the district; and

WHEREAS, An unforeseen consequence of not permitting single family residences in the Office Research Route 108 District was to render existing single-family residences nonconforming, with the various constraints that being a nonconforming use includes; and

WHEREAS, An existing nonconformity may remain but in cases where a single family house has been vacant for over a year or where a single family residence has accommodated a different use, that house may not be re-occupied as a single family residence without a variance; in addition an existing nonconforming single family residence may be expanded only by conditional use; and these restrictions seems unfair to owners of single family houses; and

WHEREAS, Accessory dwelling units should be permitted by right in all zoning districts (arguably with a few exceptions such as the Central Business Districts and the Durham Business Park District) even if single family residences are not allowed in all districts, as there may be existing single family residences in those districts which should be entitled to the standard accessory uses; and

WHEREAS, The Durham Planning Board held a public hearing and duly voted to initiate this amendment on July 22, 2026; and

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

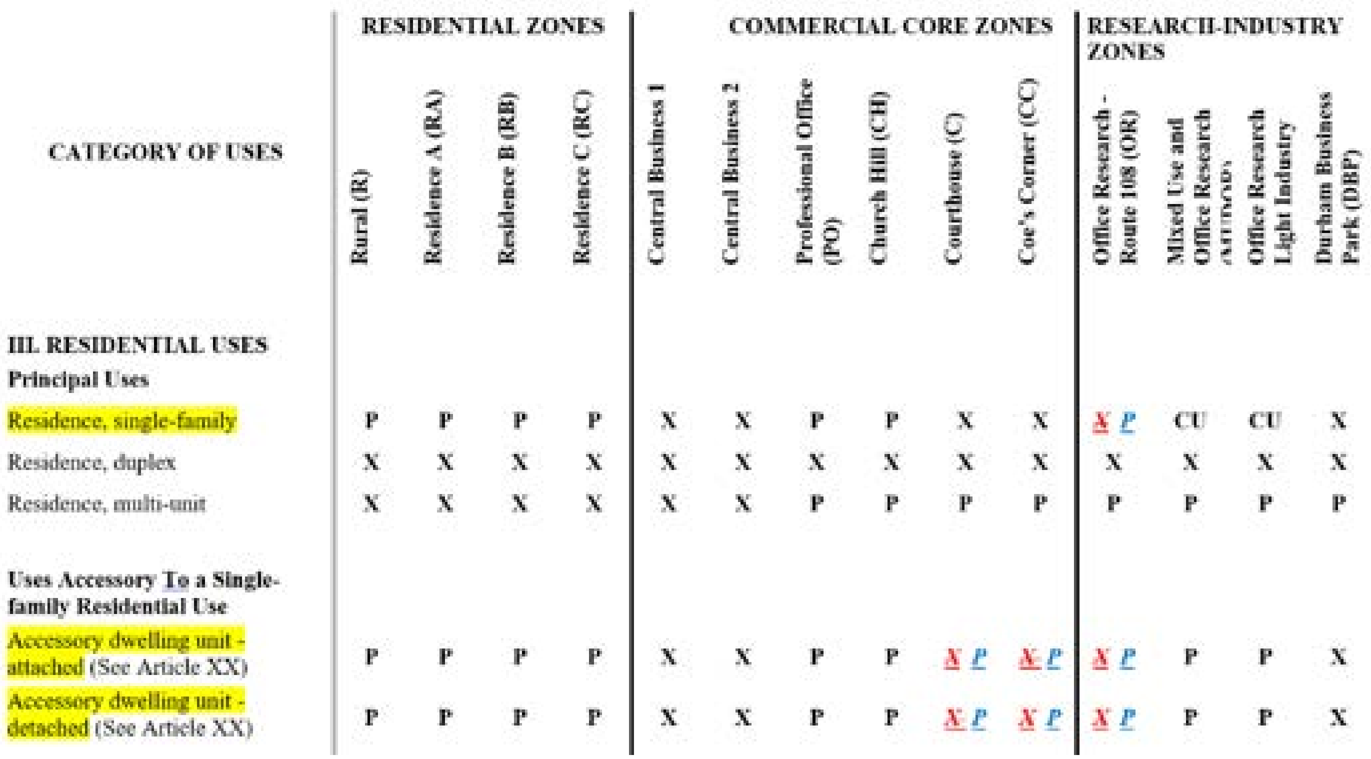
NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt the amendment presented below.

Text proposed to be added to the current ordinance is shown like this.

~~Text proposed to be deleted from the current ordinance is shown like this.~~

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

Section 175-53. Table of 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 (MUOR)	Office Research Light Industry	Durham Business Park (DBP)
III. RESIDENTIAL USES														
Principal Uses														
Residence, single-family	P	P	P	P	X	X	P	P	X	X	~~X~~ P	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	P	P	P	P	P
Uses Accessory To a Single-family Residential Use														
Accessory dwelling unit - attached (See Article XX)	P	P	P	P	X	X	P	P	~~X~~ P	~~X~~ P	~~X~~ P	P	P	X
Accessory dwelling unit - detached (See Article XX)	P	P	P	P	X	X	P	P	~~X~~ P	~~X~~ P	~~X~~ P	P	P	X

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

1732

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AGENDA ITEM: #14B TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY: Planning Board

AGENDA ITEM: **FIRST READING ON ORDINANCE #2026-10 AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," AND ARTICLE XX, "STANDARDS FOR SPECIFIC USES," SECTION 175-109 (C) OF THE TOWN CODE TO REQUIRE OWNER OCCUPANCY ON ANY SINGLE-FAMILY RESIDENTIAL LOT THAT CONTAINS AN ACCESSORY DWELLING UNIT AND SETTING THE PUBLIC HEARING FOR MONDAY, SEPTEMBER 14, 2026.**

CC PREPARED BY: Michael Behrendt, Town Planner

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

AGENDA DESCRIPTION:

This proposed amendment to the Zoning Ordinance would require for single-family lots with an accessory dwelling unit that either the main house or the ADU be owner occupied. The Planning Board voted to formally initiate this amendment on July 8.

Traditionally, the property owner has lived in the main house on lots that have accessory dwelling units, whether attached or enclosed within the main house or located in a detached unit on the lot. Often the owner built an ADU to provide additional income or to house a relative, hence other terms used in the past: "in-law apartment" or "granny flat."

Durham has 287 ADUs, a very large number but not surprising for a college town. Many are indeed rented to college students. Many of the ADUs are on larger collector roads, such as Durham Point Road, but most are located within or adjacent to single-family neighborhoods. A solid majority are already owner occupied. Nonetheless, the Planning Board recognized that adding a requirement for owner occupancy will enhance efforts to protect the town's neighborhoods. With the property owner residing on the premises, whether in the main house or in the ADU, it is much more likely that there will be supervision of the rental unit.

Even though legislation by the state in recent years has reduced some of the control that municipalities have in regulating housing, state law permits a city or town to mandate owner occupancy. The draft ordinance provides a definition of "owner" (prepared by Gary Whittington, a retired attorney who sits on the Planning Board) and allows for limited absence from the property, recognizing that an owner sometimes will need to leave for a period of time for a sabbatical or other purposes.

The Town Attorney recommended including this ordinance in the Zoning Ordinance rather than elsewhere in the Town's Code of Ordinances. She also advised us that a site with an ADU that is absentee owned now may continue that nonconforming status even if the property is conveyed. Violations of the ordinance will be enforced mainly on a complaint basis, as with most other zoning requirements.

Here is the state statute regarding ADUs:
674:72 Accessory Dwelling Units. –

VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

LEGAL AUTHORITY:

RSA 674:16, RSA 674:72, RSA 675:2, and Section 175-14 of the Durham Zoning Ordinance

LEGAL OPINION:

Reviewed by the Town Attorney and found to be acceptable.

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:
The Town Council does hereby Approve on First Reading Ordinance #2026-10 Amending Chapter 175, "Zoning," Article II, "Definitions," and Article XX, "Standards for Specific Uses," Section 175-109 (C) of the Town Code to require owner occupancy on any single-family residential lot that contains an accessory dwelling unit and sets the Public Hearing for Monday, September 14, 2026.

ORDINANCE #2026-10 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," AND ARTICLE XX, "STANDARDS FOR SPECIFIC USES," SECTION 175-109 (C) OF THE TOWN CODE TO REQUIRE OWNER OCCUPANCY ON ANY SINGLE-FAMILY RESIDENTIAL LOT THAT CONTAINS AN ACCESSORY DWELLING UNIT

WHEREAS, Traditionally, when an accessory dwelling unit is added to a single-family residence, the owner of the property resides in the main house; and

WHEREAS, When the owner of a property resides on the premises then there is, in most cases, better oversight of any unit that is rented out, thereby improving the behavior of tenants residing on the property and causing less potential disturbance to neighbors; and

WHEREAS, the appropriateness and value of having the property owner reside on the premises when there is an accessory dwelling unit is recognized in RSA 674:72 VI which specifies: "A "municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement;" and

WHEREAS, protecting the integrity of single-family neighborhoods and employing strategies to ensure that tenants in single-family neighborhoods are sensitive to the character of those neighborhoods has long been a central concern of the Durham community; and

WHEREAS, The Planning Board deliberated the proposal to require owner occupancy on sites with a single-family residence and an accessory dwelling unit at length and with great care and determined that establishing this requirement would be fair and equitable to all parties, reasonable, enforceable, and effective in protecting the character of Durham's single-family neighborhoods. The ordinance also provides for property owners to rent the premises if necessary for limited periods of time; and

WHEREAS, The Durham Planning Board held a public hearing and duly voted to initiate this amendment on July 8, 2026; and

WHEREAS, The Durham Town Council held a duly noticed public hearing on September 14, 2026.

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 #2026-10** and does hereby amend Chapter 175, Zoning, as indicated below.

Text proposed to be added to the current ordinance is shown like this.

~~**Text proposed to be deleted from the current ordinance is shown like this.**~~

➢ **Directions are shown like this.**

❖ **ARTICLE II - DEFINITIONS**

175-7. Definitions.

OWNER – The owner of a property is an individual who meets one (or more) of the following descriptions:

1. **A natural person who holds title to the property, either alone or with others.**
2. **The grantor or beneficiary of a trust that holds title to the property.**
3. **Any shareholder of an S corporation that holds title to the property.**
4. **The sole or managing member of a limited liability company that holds title to the property.**
5. **Any general or managing partner of a partnership that holds title to the property.**
6. **Any family member of a person, within four degrees of kinship, who would qualify as an “owner” under this section.**

ARTICLE XX - STANDARDS FOR SPECIFIC USES

175-109. Compliance Required.

C. ***Accessory dwelling unit - attached*** ~~***and***~~ and ***Accessory dwelling unit – detached*** **(Both included under “Accessory dwelling unit/s” below, unless otherwise specified)**.

Accessory dwelling **units** ~~unit - attached and accessory dwelling unit – detached~~ shall conform to the following standards:

- ➢ ***Add "and" as shown in light blue above, text to be black and not bolded nor italicized.***

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 **more than one** ~~an~~ accessory dwelling unit ~~- attached and an accessory dwelling unit – detached~~ in conjunction with 1 single-family residence shall not be permitted.

2. **Floor space.** 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.~~

- ➢ ***Correct numbering below.***

4. **Parking.** 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.

5. **Utilities.** 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.

6. **Dimensional standards.** 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~~.

7. **Ingress and egress.** 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.

8. **Existing structures**. ~~Existing structures~~ **An existing structure** on site may be converted to **an** accessory dwelling unit~~s~~ even if ~~those existing structures do~~ **that existing structure does** not conform with setback or lot coverage requirements.

9. **Permitting. An application shall be submitted to the Durham Code Administrator to establish an accessory dwelling unit. If a building permit**

will be needed, then a separate application is not required, provided that the building permit application states that the purpose of the application is for an accessory dwelling unit and provides necessary information about the proposed accessory dwelling unit.

10. **<u>Owner occupancy</u>. A single-family residence with an accessory dwelling unit, whether an attached or a detached unit, shall be owner occupied, in accordance with RSA 674:72 VI., as follows:**

    a. **The owner may reside in either the single-family house or the accessory dwelling unit. The property shall be their primary residence.**

    b. **See Article II. Definitions for the definition of "owner."**

    c. **As part of an application for an accessory dwelling unit or a building permit to construct an ADU or upon request of the Code Administrator, the property owner shall demonstrate that the property is or will be their primary place of residence by providing an official record such as a driver's license, voter registration card, vehicle registration, mortgage document, or other acceptable documentation.**

    d. **<u>Interruptions in occupancy</u>. A temporary interruption in occupancy by an owner will not constitute a violation of this Section C. provided that the property is occupied by an owner for at least three years out of any five-year period. A temporary interruption in occupancy as allowed under this provision shall not be deemed to establish a nonconforming condition.**

       Under extraordinary circumstances, the Durham Town Administrator may grant the minimum relief from the requirement for owner occupancy necessary, beyond the allowance in the paragraph immediately above, for good cause.

    e. **<u>Compliance and enforcement</u>. When an ADU is occupied in violation of this section, the property owner of record shall be subject to a monthly fine beginning with the first month following the date on which a violation is determined to have existed as provided for in Section 175-10 of this ordinance. The Town shall have the right to receive on demand a written disclosure describing the occupancy status of any property with an ADU, in sufficient detail to determine compliance with this ordinance.**

    f. **<u>Nonconforming situations</u>. When there is a legally established accessory dwelling unit on a single-family property in place prior to the adoption of this amendment herein (<u>*effective ###*</u>) and the owner of that property does not reside on the premises on that date, the property is considered a legally established nonconforming use, subject to Section 175-28 - Nonconforming Uses of this ordinance.**

g. **Ownership by Mortgage Lender. The owner-occupancy requirement of this Section C. shall not apply to a mortgage lender who takes title to the subject property by foreclosure or deed in lieu of foreclosure. However, the requirement shall apply to a purchaser from such a mortgage lender.**

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

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AGENDA ITEM: #14C TS

DATE: August 3, 2026

COUNCIL COMMUNICATION

INITIATED BY:	Councilor Joe Friedman
AGENDA ITEM:	**DISCUSSION AND POSSIBLE ACTION ON A PROPOSED COUNCIL-INITIATED AMENDMENT OF CHAPTER 175, "ZONING," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF LAND USES," OF THE TOWN CODE TO ALLOW PARKING AS A PRINCIPAL USE IN THE CHURCH HILL AND CENTRAL BUSINESS-2 DISTRICTS BY RIGHT AND TO ALLOW ACCESSORY PARKING LOTS TO ALSO SERVE NEIGHBORING PROPERTIES.**
CC PREPARED BY:	Michael Behrendt, Town Planner
PRESENTED BY:	Council Chair Joe Friedman Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

The Administrator and Town Planner have spoken recently with a prospective developer for several underutilized properties on Main Street. The developer was interested in redevelopment but was hesitant to move forward for lack of parking to serve residents in a new building. The owner notes that working adults need a vehicle and require nearby parking for vehicle storage. Downtown property owners have reported difficulty renting to non-UNH students because of a lack of nearby parking for prospective tenants. The Administrator and Town Planner spoke with Council Chair Joe Friedman about the possibility of allowing for the vacant lot at 19 Main Street behind the Red Tower on Church Hill to be used for parking that could serve the downtown.

A parking lot as a principal use can accommodate any vehicles in contrast to a parking lot as an accessory use that can serve only the subject property for tenants, customers, etc. A proposal for a principal parking lot at 19 Main Street was denied by the Planning Board several years ago after significant public opposition. A parking lot as a principal use was allowed by conditional use. The board rejected the proposal finding that the design did not meet the conditional use criteria. Sometime later as part of a package of zoning changes, the Town changed the allowance for parking as a principal use in Church Hill from CU to X.

Perhaps given the great need for redevelopment downtown and the specific concerns expressed by this developer it is worth revisiting the issue. This amendment presented for consideration to the Town Council now would change parking in Church Hill from an X to a P. It would also change parking in CB-2 (the Mill Plaza) from CU to P. The latter would allow Torrington Properties to lease parking on their lot, possibly including leasing to assist downtown businesses and to facilitate downtown development.

A second amendment suggested by the Town Planner is to allow an accessory parking lot to also serve neighboring sites. There have been situations where a person owns two adjacent lots serving one building, and they could not legally use the second lot for parking for the first one. More flexibility seems reasonable to accommodate parking on an adjacent lot.

Note that this proposal is not presented in Ordinance Format, as the prospective request is for Town Council to initiate the amendment and not to hold First Reading. If Town Council initiates the amendment it will be sent to the Planning Board for consideration. If/once it is returned to the Town Council the proposal will be placed into Ordinance Format.

Years ago, former Police Chief Dave Kurz suggested transforming 19 Main Street into municipal parking due to its close proximity to Downtown Durham.

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 Town Council does hereby vote to formally initiate an amendment to the Zoning Ordinance pertaining to the Table of Uses for the purpose of allowing parking as a principal use in the Church Hill and Central Business-1 Districts and allowing accessory parking to also serve neighboring sites and to send this proposal to the Planning Board for consideration.

DRAFT

PROPOSED ZONING AMENDMENT

Parking as a Principal Use in the Church Hill and Central Business-2 Districts
Accessory Parking serving neighboring lots

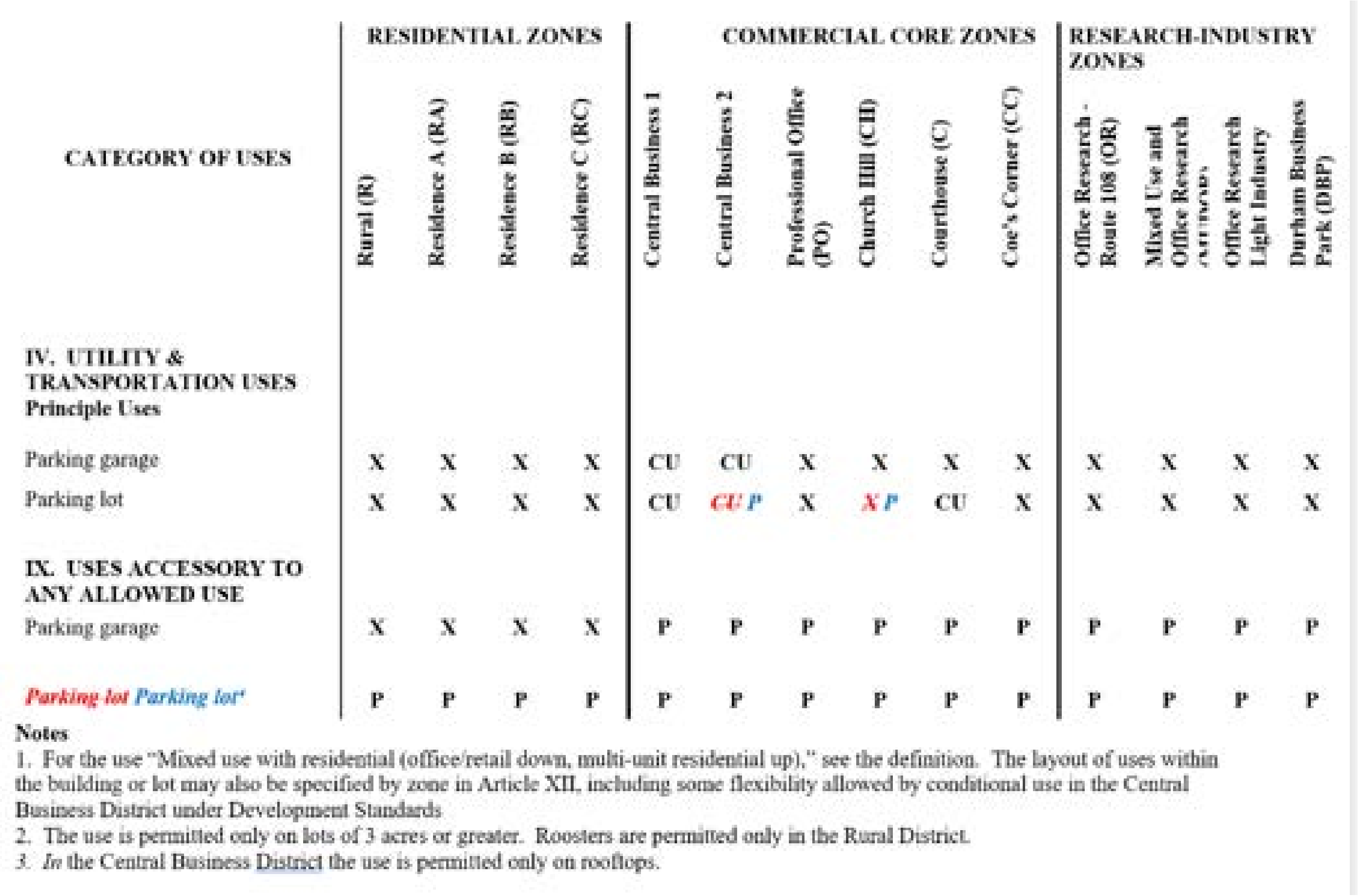
For Presentation to Town Council on August 3, 2026

Text proposed to be added to the current ordinance is shown like this.

~~**Text proposed to be deleted from the current ordinance is shown like this.**~~

❖ ARTICLE XII.1 – USE AND DIMENSIONAL STANDARDS

175-53. Table of Land Uses.



CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES						RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research	Office Research Light Industry	Durham Business Park (DBP)
IV. UTILITY & TRANSPORTATION USES **Principle Uses**														
Parking garage	X	X	X	X	CU	CU	X	X	X	X	X	X	X	X
Parking lot	X	X	X	X	CU	~~CU~~ P	X	~~X~~ P	CU	X	X	X	X	X
IX. USES ACCESSORY TO ANY ALLOWED USE														
Parking garage	X	X	X	X	P	P	P	P	P	P	P	P	P	P
~~Parking lot~~ Parking lot[4]	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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
2. The use is permitted only on lots of 3 acres or greater. Roosters are permitted only in the Rural District.
3. *In* the Central Business District the use is permitted only on rooftops.

4. Any accessory parking lot that is: a) located in any of the Commercial Core or Research-Industry Zones; and b) serving a multi-unit or nonresidential use may also be used to provide parking for any neighboring lot, i.e., any lot that is located within 100 feet of the subject lot or any lot situated directly across the street from the subject lot (meaning that the two lots would touch if not for the intervening street).