



## TOWN OF DURHAM

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

**ORIENTATION SESSION FOR NEWLY  
ELECTED TOWN COUNCIL MEMBERS  
MONDAY, MARCH 17, 2025  
DURHAM TOWN HALL - COUNCIL CHAMBERS  
6:00 PM  
(SEE SEPARATE AGENDA)**

**AGENDA**  
**DURHAM TOWN COUNCIL  
MONDAY, MARCH 17, 2025  
DURHAM TOWN HALL - COUNCIL CHAMBERS  
7:00 PM**

**NOTE:** *The Town of Durham requires 48 hours notice if special communication aids are needed.*

- I. Call to Order
- II. Town Council grants permission for fewer than a majority of Councilors to participate remotely
- III. Roll Call of Members. Those members participating remotely state why it is not reasonably practical for them to attend the meeting in person
- IV. Swearing in of Council Members - Rachel Deane, Town Clerk-Tax Collector
- V. Election of Chair and Chair Pro Tem
- VI. Approval of Agenda
- VII. Special Announcements - Chair reads Land Acknowledgement Statement
- VIII. Public Comments (\*) - **Please state your name and address before speaking**
- IX. Report from the UNH Student Senate External Affairs Chair or Designee

- X. Unanimous Consent Agenda** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*
- A. Shall the Town Council adopt **Resolution #2025-04** establishing the regular Town Council meeting dates for April 2025 through March 2026?
  - B. Shall the Town Council accept the recommendations of the Town Assessor and Administrator relative to FY 2023 & FY 2024 Property Tax abatement requests in the total amount of \$17,742.68?
  - C. Shall the Town Council adopt **Resolution #2025-05** objecting to the freezing of federal grant programs to states and municipalities and to agencies and organizations that support Durham residents?
  - D. Shall the Town Council, Upon Recommendation of the Administrator Award the Construction Contract for the Madbury Road Complete Streets Phase 3 Roadway, Drainage, Streetscape Project to G.W. Brooks and Sons, Inc. of Freedom, NH for a Total Price Not to Exceed \$2,151,281.00, Subject to Available Funding?
  - E. Shall the Town Council, Upon Recommendation of the Administrator Award the Construction Contract for the Madbury Road Complete Streets Phase 2 Water Utility Replacement Project to Joseph P. Cardillo of Wakefield, MA for a Total Price Not to Exceed \$1,990,597.50, Subject to Available Funding?
  - F. Shall the Town Council, Upon Recommendation of the Administrator Award the Paving Contract for the Madbury Road Complete Streets Phase I Roadway, Drainage, Streetscape Project to Continental Paving, Inc. of Londonderry, NH for a Total Bid Price Not to Exceed \$604,284.45, Subject to Available Funding?
  - G. Shall the Town Council, Upon Recommendation of the Administrator Approve the Construction Inspection, Design and Administration Contract for the Madbury Road Complete Streets Roadway, Drainage, Streetscape and Water Utility Project with VHB Engineers of Bedford, NH in the amount of \$584,635, Subject to Available Funding?
  - H. Shall the Town Council approve on **First Reading Ordinance #2025-04** Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," of the Town Code to change the minimum front setback in the Office - Research 108 (OR) District on minor streets and collector roads, and set the Public Hearing date for April 7, 2025?
- XI. Committee Appointments - None**
- XII. Presentation Items**  
Presentation by Susan Richman on **Resolution #2025-06** supporting a Statewide petition requesting that Grocers Reduce the distribution of Single-Use Plastic Bags.
- XIII. Unfinished Business**
- A. **Discussion and Possible Action on Council-Initiated Zoning Amendment**  
Amending Chapter 175, "Zoning," Article Article XII.1, "Use and Dimensional Standards," of the Town Code to allow mixed use with residential in most (but not all) of the Central Business District by right rather than by conditional use. This would include separating the Central Business District into two districts: Central Business-1 District (CB-1), and Central Business-2 District (CB-2).

- B. **Discussion and Possible Action on Council-Initiated Zoning Amendment**  
Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," of the Town Code to allow multi-unit residential by right in the Professional Office, Church Hill, and Courthouse districts.
  - C. **Discussion and Possible Action on Council-Initiated Zoning Amendment**  
Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," of the Town Code to remove the current three-story height limit that applies to numerous lots in the Central Business District on Main Street and Madbury Road.
  - D. **Discussion and Feedback** to the Administrator regarding changes to the Law Enforcement Services Agreement between UNH and the Town of Durham.
- XIV. **Approval of Minutes** - March 3, 2025
- XV. **Councilor and Town Administrator Roundtable**
- XVI. **New Business**  
Annual appointments of Council representatives to the various town boards, commissions, and committees
- XVII. **Nonpublic Session (if required)**
- XVIII. **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.*

## Durham, New Hampshire Land, Water and Life Acknowledgment

The Town of Durham, New Hampshire wishes to acknowledge the spiritual and physical connection maintained by the Pennacook, Abenaki and Wabanaki peoples to N'dakinna (homeland), aki (land), nibi (water), lolakwikak (flora) and awaasak (fauna). New Hampshire has been home to these Indigenous people for thousands of years. The residents of Durham acknowledge the ongoing hardships endured by our Indigenous neighbors after the loss of their unceded homelands which we now steward and we will work to foster relationships to support the well-being of Indigenous people who carry forward the traditions of their ancestors.



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

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Charter

**AGENDA ITEM:** SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2025-04 ESTABLISHING THE REGULAR TOWN COUNCIL MEETING DATES FOR APRIL 2025 THROUGH MARCH 2026?

**CC PREPARED BY:** Karen Edwards, Administrative Assistant

**PRESENTED BY:** Todd I. Selig, Administrator

**AGENDA DESCRIPTION:**

Attached for Council's review and consideration is a resolution establishing the regular Town Council meeting dates for April 2025 - March 2026 in accordance with Section 3.7C of the Durham Town Charter. Attention has been paid to not scheduling meetings on holidays in accordance with Resolution #2022-07 approved on August 15, 2022.

It should also be noted for advance scheduling purposes that the Council typically schedules budget work sessions as necessary for the Mondays in November and December when a regular meeting is not scheduled.

**LEGAL AUTHORITY:**

Section 3.7 (C) of the Durham Town Charter states that "Regular meetings shall be held on such day or days of each month at such time as the Council shall by ordinance or resolution direct."

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council hereby adopts Resolution #2025-04 establishing the regular Town Council meeting dates for April 2025 through March 2026.*

# RESOLUTION #2025-04 DURHAM, NEW HAMPSHIRE

## Establishing Regular Town Council Meeting Dates for April 2025 through March 2026

WHEREAS, Section 3.7C of the Durham Town Charter states that regular meetings of the Council shall be, " ... Held on such day or days of each month at such time as the Council shall by ordinance or resolution direct." and

WHEREAS, because of holidays, there is need to amend the regular meeting schedule of the Durham Town Council,

NOW THEREFORE, BE IT RESOLVED that the Durham Town Council does hereby adopt **Resolution #2025-04** establishing the regular meeting schedule of the Durham Town Council for the period April 2025 - March 2026 as follows:

Monday	April 7, 2025	Monday	October 6, 2025
Monday	April 21, 2025	Monday	October 20, 2025
Monday	May 5, 2025	Monday	November 3, 2025
Monday	May 19, 2025	Monday	November 17, 2025
Monday	June 2, 2025	Monday	December 1, 2025
Monday	June 16, 2025	Monday	December 15, 2025
Monday	July 7, 2025	Monday	January 19, 2026
Monday	August 4, 2025	Monday	February 2, 2026
Monday	September 8**, 2025	Monday	February 16, 2026
Monday	September 15, 2025	Monday	March 2, 2026
		Monday	March 16, 2026

**\*\*Second Monday of the month.**

**PASSED AND ADOPTED** on this 17th day of March, 2025 by a majority vote of the Durham Town Council with \_\_\_ voting in favor, \_\_\_ opposing, and 0 abstaining.

\_\_\_\_\_  
Sally Needell Chair, Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Rachel Deane, Town Clerk-Tax Collector



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

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:** Darcy Freer, Assessor

**AGENDA ITEM:** SHALL THE TOWN COUNCIL ACCEPT THE RECOMMENDATIONS OF THE TOWN ASSESSOR AND ADMINISTRATOR RELATIVE TO FY 2023 & FY 2024 PROPERTY TAX ABATEMENT REQUESTS IN THE TOTAL AMOUNT OF \$17,742.68?

**CC PREPARED BY:** Karen Edwards, Administrative Assistant

**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 3, 2025. The Town must respond to the applicants in writing by July 1, 2025, 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. BPNE Property 2 LLC – 39 Emerson Road**  
Recommendation: GRANT (for Tax Year 2023 & 2024). At this time, the Assessor recommends granting the abatement request in the amount of \$1,844.05 including interest to settle the outstanding local level abatement(s) and BTLA appeal. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 2. Lenharth – 55 Newmarket Road**  
Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$542.92 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 3. 277 Main LLC – 277 Main Street**  
Recommendation: DENY (for Tax Year 2024). The Assessor recommends denying the abatement request. See attached abatement recommendation from the assessor outlining the reasons for denying this request.
- 4. CDC New Hampshire LLC – 100 Clubhouse Street**  
Recommendation: DENY (for Tax Year 2024). The Assessor recommends denying the abatement request. See attached abatement recommendation from the assessor outlining the reasons for denying this request.
- 5. Miller – 66 Bagdad Road**  
Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$3,312.35 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 6. Berlin – 81 Piscataqua Road**  
Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$1,140.90 including interest to settle the outstanding local level abatement(s) and NH Superior Court appeal. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 7. SZ Durham Apartments LLC – 259 Mast Road**  
Recommendation: DENY (for Tax Year 2024). The Assessor recommends denying the abatement request. See attached abatement recommendation from the assessor outlining the reasons for denying this request.



**8. MacLean & Mackie – 180 Piscataqua Road**

Recommendation: DENY (for Tax Year 2024). The Assessor recommends denying the abatement request. See attached abatement recommendation from the assessor outlining the reasons for denying this request.

**9. Lund – 3 Langley Road**

Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$1,240.30 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

**10. Sandberg – 15 Langley Road**

Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$3,996.41 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

**11. Chase – 271 Durham Point Road**

Recommendation: GRANT (for Tax Year 2023). At this time, the Assessor recommends granting the abatement request in the amount of \$2,253.02 including interest to settle the outstanding local level abatement(s) and BTLA appeal. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

**12. Town of Durham – 281 Newmarket Road**

Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$1,633.95 including accrued interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

**13. Town of Durham – Packers Falls Road**

Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$1,778.78 including accrued interest. 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 2025 budget, the Town of Durham has appropriated \$125,000 to be used for tax abatement/appeal purposes. To date, the Town has abated \$46,627.20 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, accept the recommendations of the Town Assessor and Administrator relative to FY 2023 & FY 2024 Property Tax abatement requests in the total amount of \$17,742.68?*



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AGENDA ITEM: **#10C** TS

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:** Susan Richman, IWMAC member

**AGENDA ITEM:** SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2025-05 OBJECTING TO THE FREEZING OF FEDERAL GRANT PROGRAMS TO STATES AND MUNICIPALITIES AND TO AGENCIES AND ORGANIZATIONS THAT SUPPORT DURHAM RESIDENTS?

**CC PREPARED BY:** Karen Edwards, Administrative Assistant

**PRESENTED BY:** Susan Richman, IWMAC member

**AGENDA DESCRIPTION:**

Susan Richman, member of the Integrated Waste Management Advisory Committee, has asked that the Council adopt this resolution. She spoke on this subject at the last Council meeting. The resolution is similar to one adopted by the Town of Lebanon on February 19, 2025. Susan asked that Durham adopt this resolution and distribute it to Durham's State and Federal legislators.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council hereby adopts Resolution #2025-05 objecting to the freezing of federal grant programs to states and municipalities and to agencies and organizations that support Durham residents.*

## **RESOLUTION #2025-05 OF DURHAM, NEW HAMPSHIRE**

### **A RESOLUTION OBJECTING TO THE FREEZING OF FEDERAL GRANT PROGRAMS TO STATES AND MUNICIPALITIES AND TO AGENCIES AND ORGANIZATIONS THAT SUPPORT DURHAM RESIDENTS**

**WHEREAS** the Town Council of Durham (henceforth referred to as “the Council”) recognizes the importance of Federal funds in support of services and functions critical for the well-being of the residents of Durham; and

**WHEREAS** the Council is aware that increasing demands on the Town Budget and the resulting necessity of substantial property tax increases in recent years makes the availability of Federal funds even more critical for the Town; and

**WHEREAS** the Council shares the concerns of Durham residents about the potential loss of funding supporting important services and projects for the Town of Durham; and

**WHEREAS** the Council shares the concerns of Durham residents as to how the loss of funding to local organizations, institutions and individuals could place even greater demand on the Town’s resources and adversely affect its ability to serve its residents; and

**WHEREAS** the Council recognizes that the residents of Durham expect that tax dollars they paid to the federal government, and which were appropriated by Congress back to the State of New Hampshire, the Town of Durham, and local agencies and organizations will, in fact, be disbursed according to the law and the agreements the Town entered into with the federal government; and

**WHEREAS** the Council has a duty to protect the interests of Durham’s residents and to hold the U.S. Government to the commitments made to the Town of Durham and its residents;

**NOW, THEREFORE, BE IT RESOLVED** that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby approve **Resolution #2025-05** strongly objecting to the President’s attempted unilateral freeze and impoundment of funds appropriated by Congress to be disbursed to the people of the United States, including the residents of Durham, New Hampshire.

**BE IT FURTHER RESOLVED** that the Council calls on the members of its United States Congressional delegation to do everything in their power to protect the interests of the residents of Durham and to demand that the President honor the agreements and commitments the government has made to the Town and its residents.

The Council will forward a copy of this resolution to our United States Congressional delegation, namely Representatives Chris Pappas, Senators Jeanne Shaheen, and Maggie Hassan, and to our New Hampshire State Legislative delegation, Representatives Wayne Burton, Timothy Horrigan, Marjorie Smith, Loren Selig, and Allan Howland, and State Senator Rebecca Perkins Kwoka.

**BE IT FURTHER RESOLVED** that the Council calls on our Governor, Kelly Ayotte, our Attorney General, John Formella, and our Executive Councilor, Joseph D. Kenney to do everything in their power to protect the interests of the residents of Durham, by urging the President and his Administration to follow the law and honor their commitments. Copies of this resolution will be forwarded to the above-named officials.

**PASSED AND ADOPTED** by the Town Council of the Town of Durham, New Hampshire this 17th day of March, 2025 by \_\_\_\_\_ affirmative votes, \_\_\_\_\_ negative votes, and \_\_\_ abstentions.

\_\_\_\_\_  
Sally Needell, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **#10D-G** *TS*

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:**

Richard Reine, Director of Public Works

**AGENDA ITEM:**

1. SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR AWARD THE CONSTRUCTION CONTRACT FOR THE MADBURY ROAD COMPLETE STREETS PHASE 3 ROADWAY, DRAINAGE, STREETScape PROJECT TO G.W. BROOKS AND SONS, INC. OF FREEDOM, NH FOR A TOTAL PRICE NOT TO EXCEED \$2,151,281.00, SUBJECT TO AVAILABLE FUNDING?

AND

2. SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR AWARD THE CONSTRUCTION CONTRACT FOR THE MADBURY ROAD COMPLETE STREETS PHASE 2 WATER UTILITY REPLACEMENT PROJECT TO JOSEPH P. CARDILLO OF WAKEFIELD, MA FOR A TOTAL PRICE NOT TO EXCEED \$1,990,597.50, SUBJECT TO AVAILABLE FUNDING?

AND

3. SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR AWARD THE PAVING CONTRACT FOR THE MADBURY ROAD COMPLETE STREETS PHASE 3 ROADWAY, DRAINAGE, STREETScape PROJECT TO CONTINENTAL PAVING INC. OF LONDONDERRY, NH FOR A TOTAL BID PRICE NOT TO EXCEED \$604,284.45, SUBJECT TO AVAILABLE FUNDING?

AND

**4. SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR APPROVE THE CONSTRUCTION INSPECTION, DESIGN AND ADMINISTRATION CONTRACT FOR THE MADBURY ROAD COMPLETE STREETS ROADWAY, DRAINAGE, STREETScape AND WATER UTILITY PROJECT WITH VHB ENGINEERS OF BEDFORD, NH IN THE AMOUNT OF \$584,635, SUBJECT TO AVAILABLE FUNDING?**

**PREPARED BY:** Richard Reine, Director of Public Works

**CC:** Todd Selig, Administrator  
Gail Jablonski, Business Manage  
April Talon, Town Engineer  
Sam Hewitt, Assistant Director of Public Works

**PRESENTED BY:** Richard Reine, Director of Public Works

**AGENDA DESCRIPTION:**

The purpose of this Council Communication is to request the Town Council’s approval to award the Construction, Roadway Paving and Water Main Replacement Project along with the Engineering Services Contracts for the Roadway and Water Main Replacement Project located on Madbury Road. The Phase 3 Roadway project limits extend from the intersection of Garrison Avenue at Madbury Road to the intersection of Madbury Road and Edgewood Road. The Phase 2 Watermain utility replacement project extends from the intersection of Madbury Road and Maple Street to approximately US Route 4 and Madbury Road.

**PROJECT BACKGROUND AND ROADWAY CONDITION**

Madbury Road was transferred to Town ownership from the State of New Hampshire when US Route 4 was upgraded. The roadway was last paved in 2009 at which time it received an overlay treatment. The entire project limits of all phases include the main corridor, which is approximately 8,200 feet in length, connecting Main Street in downtown Durham with US Route 4 and Pendexter Road. The roadway is well traveled with abutting homes and residential neighborhoods. The roadway serves as a major corridor in Durham with annual average daily traffic (AADT) of approximately 7,000 vehicles per day (VPD), based on NHDOT traffic data. Madbury Road provides pedestrian, cyclist, multi-modal and transit access to the public and UNH students, along with middle school and high school aged walkers, bicyclists, and users of micromobility devices attending the Oyster River Middle and High Schools, located just a few blocks away on Coe Drive.



Photo showing intersection of Main Street and Madbury Road in foreground with Madbury Road extending North.

Currently segment 1 of the first phase of the Complete Streets Improvements between Pettee Brook Lane and Garrison Avenue is nearing completion with segment 2, between Main Street and Pettee Brook, currently under contract with G.W. Brooks, following approval by the Town Council, and scheduled for completion in summer 2025. Top course paving of this phase will be completed in 2025.

The water and sewer main replacement and reconstruction has been completed by contractor Joseph P. Cardillo and Sons between Main Street and Maple Street. The remaining portion of Madbury Road, north of Garrison Avenue, remains in very poor condition with significant pavement raveling, delamination, trench patches, longitudinal and alligator cracking, rutting, settlement, and road base failure. The stormwater system is undersized with drainage structures and piping in an excessively deteriorated condition.

The sidewalks and curb ramps are non-compliant, relative to ADA accessibility, and sidewalk connectivity in certain sections is poor. Curb reveal is minimal or non-existent, which creates an unpleasant and precarious experience for pedestrians and cyclists. Traffic calming and pedestrian safety enhancements have been installed over time at various locations throughout the corridor but require additional measures and improvements for effectiveness and to address growth in multi-modal transportation usage.

The Madbury Road Complete Streets Project has begun to address these deficiencies. The Complete Streets design approach required the project team to design the improvements in a manner that prioritized the goal of enabling safe use and supporting mobility for people of



all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, utilizing micromobility devices or public transportation riders.

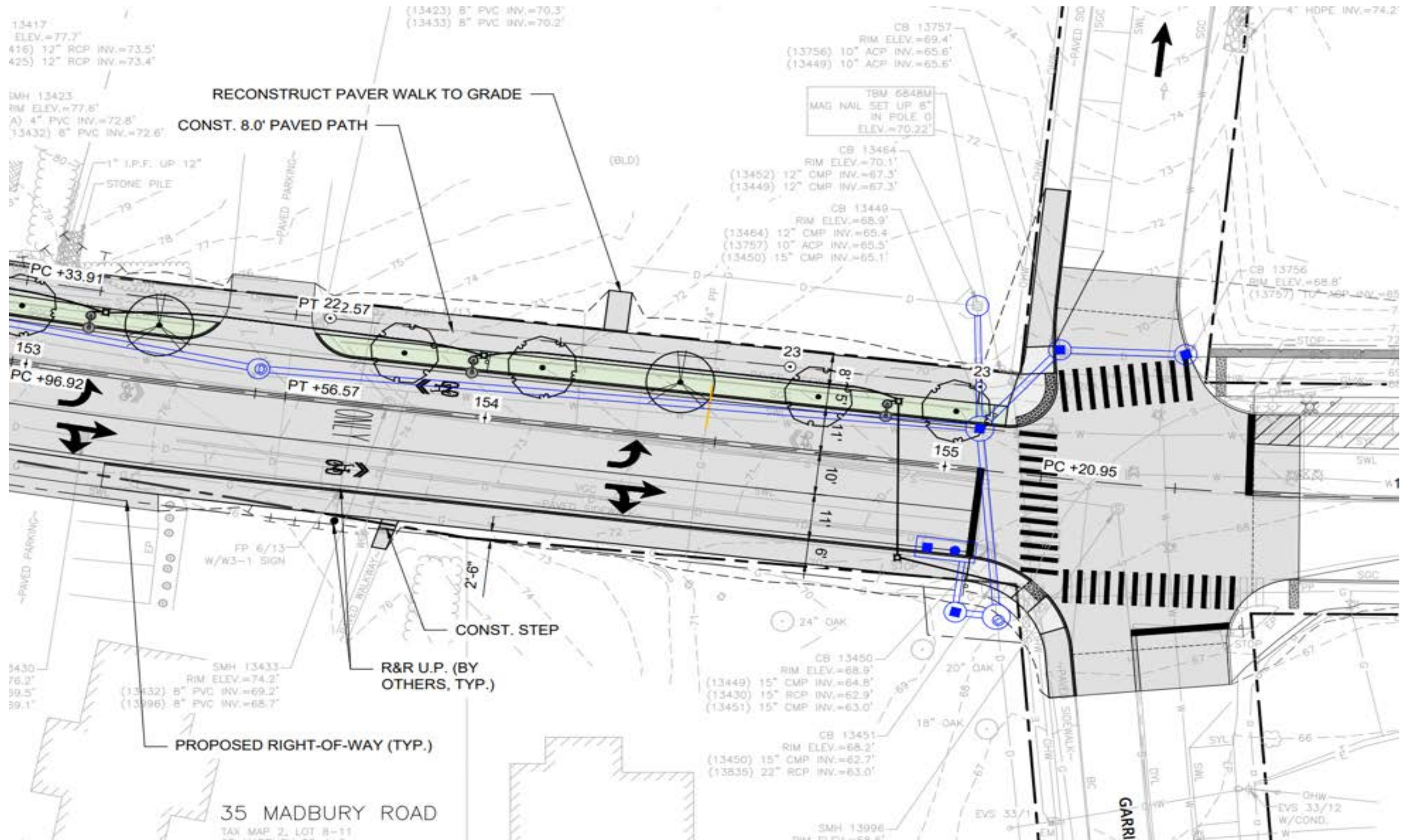
In addition, the project team continues to work closely with the New Hampshire Department of Transportation (NHDOT) to ensure coordination between the Madbury Road Complete Streets Project and the NHDOT's U.S. Route 4 at Madbury Road Intersection Improvement Project pictured below and scheduled for construction currently in 2027.



The Phase 3 Madbury Road Complete Streets Roadway, Drainage, Streetscape Project includes reconstruction of the roadway and stormwater collection system using both conventional and low impact development (LID) stormwater treatment methods and can be viewed at the Project's Informational Story Map located [HERE](#).

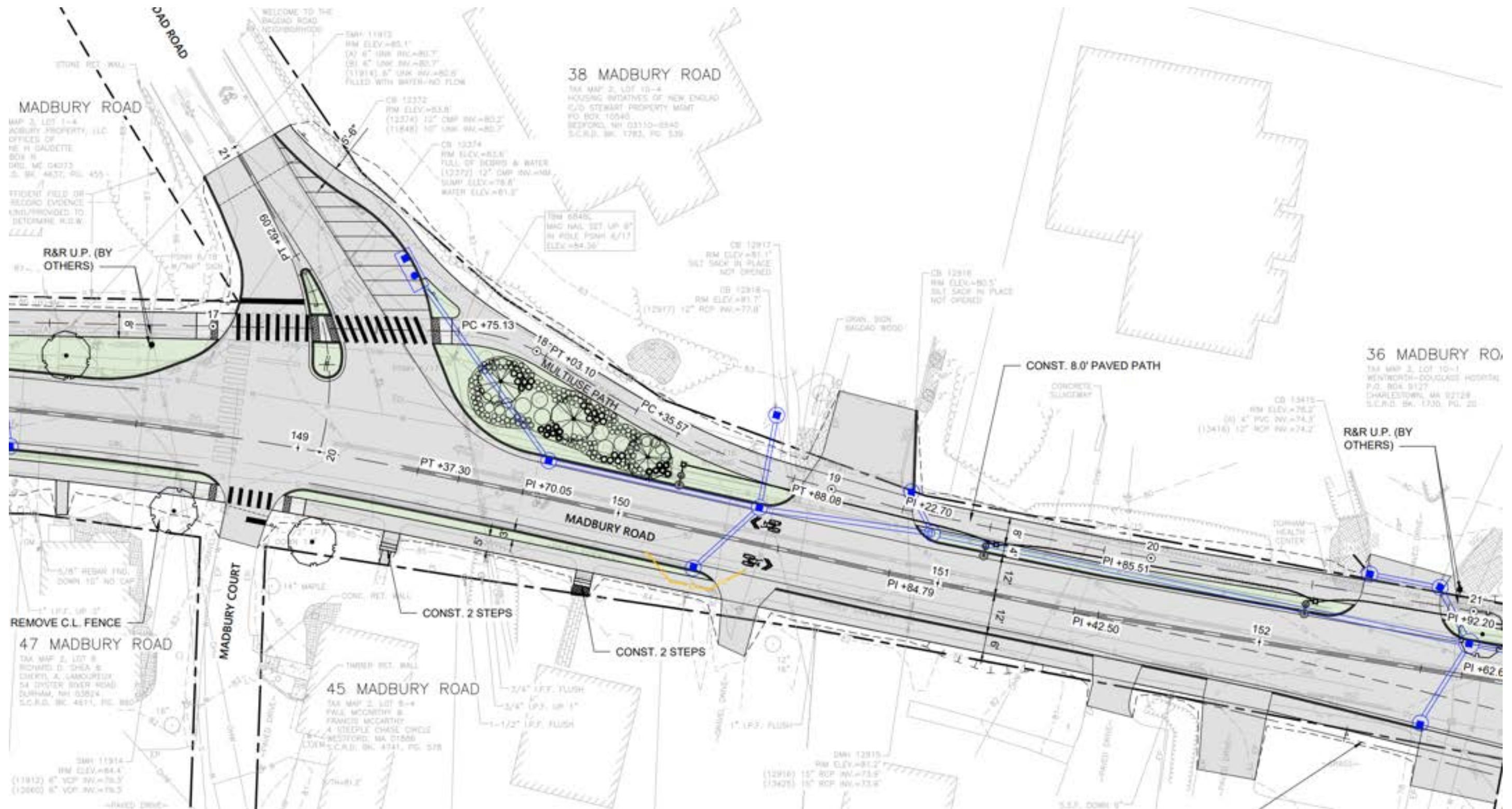
The Phase 3 segment continues to extend the varying width 8'- 10' wide multi-use pathway on the eastern side of Madbury Road, with construction of a 5-foot-wide sidewalk on the westerly side of the roadway between Garrison Avenue and Edgewood Road. The project includes the addition of a left turn lane from Madbury Road southbound onto Garrison Avenue, heading toward the Oyster River Middle School. Installation of decorative lighting in limited areas and standard cobra head lighting for the corridor is also included. Phase 3 will also feature the installation of traffic calming measures, inclusive of attractive median islands with crosswalks along with streetscape improvements, landscaping and hardscape improvements. Upon Town Council approval and execution of contracts by the Administrator, project contractors G.W. Brooks and Joseph P. Cardillo are prepared to commence construction of the improvements in early spring, as weather and conditions

allow, with binder course paving by Continental Paving to follow. Excerpts of the construction plans are shown below for your reference.



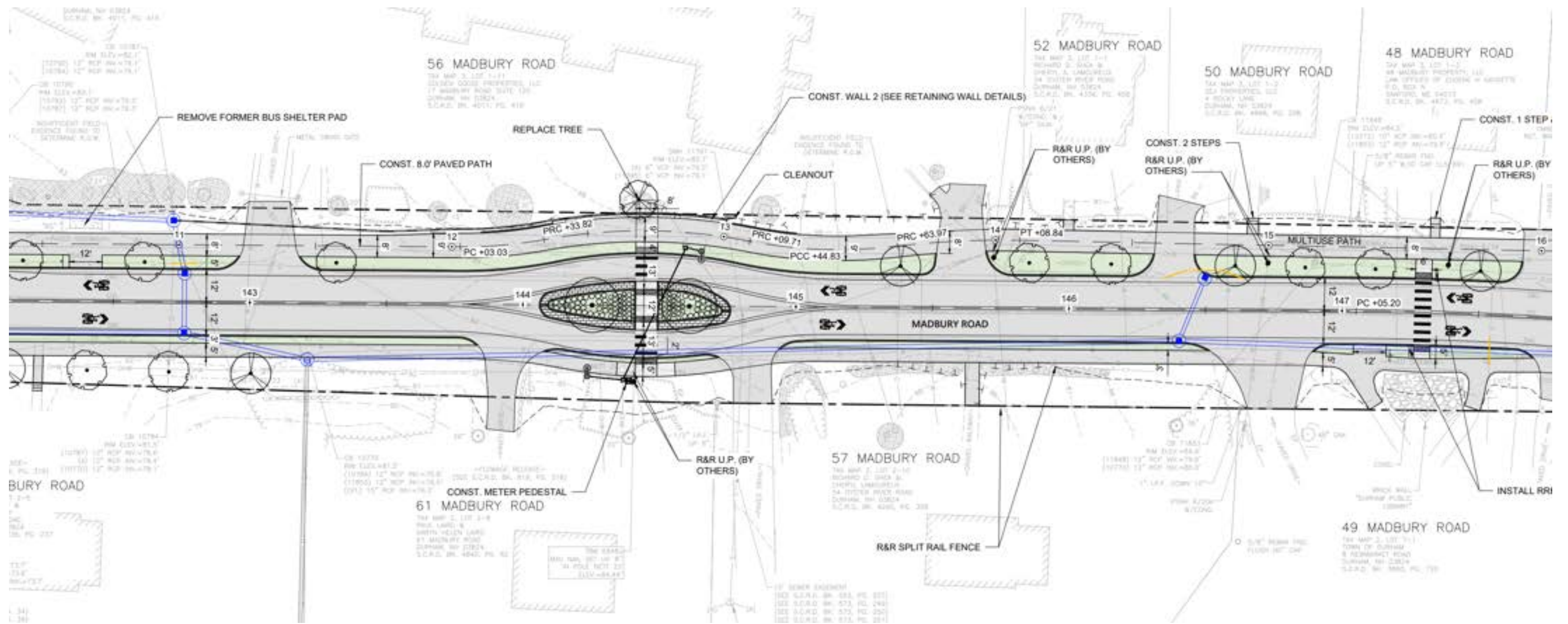
Improvements beginning at Garrison Avenue with the addition of a left turn lane and bituminous asphalt multi-use path with



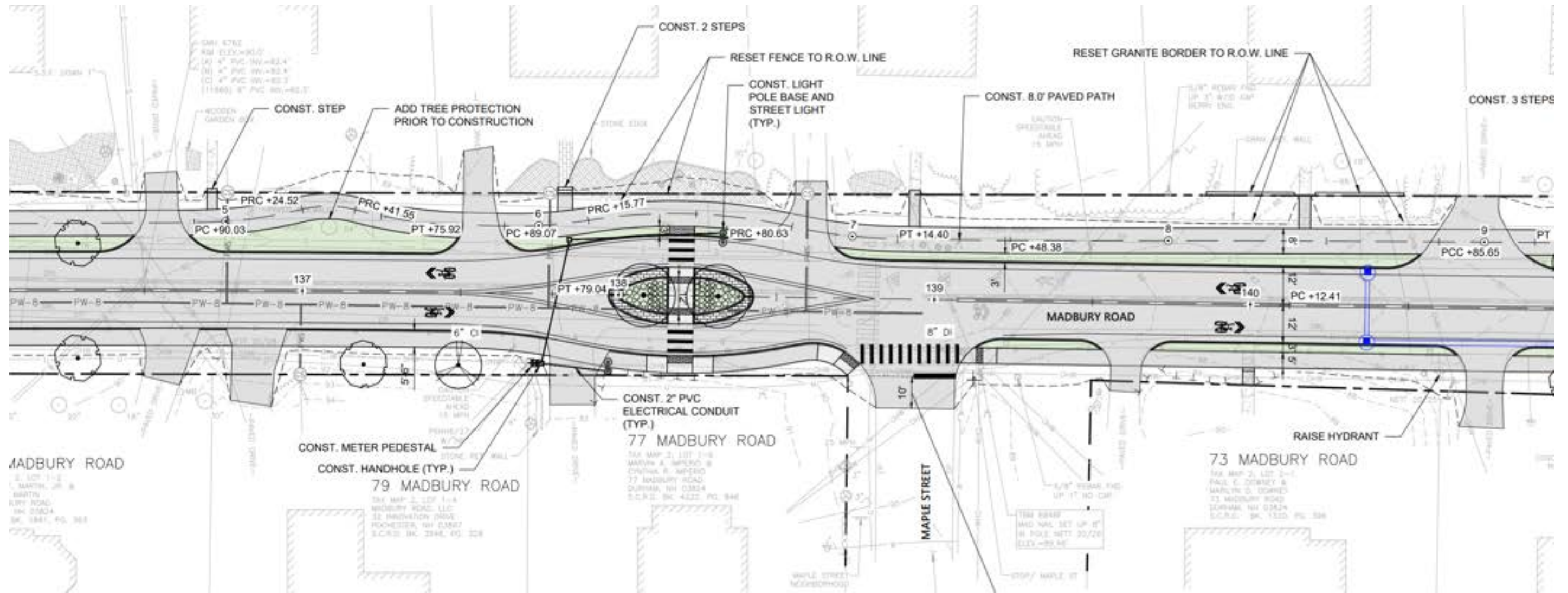


Location near Bagdad Road with addition of traffic island with pedestrian refuge and landscape area.



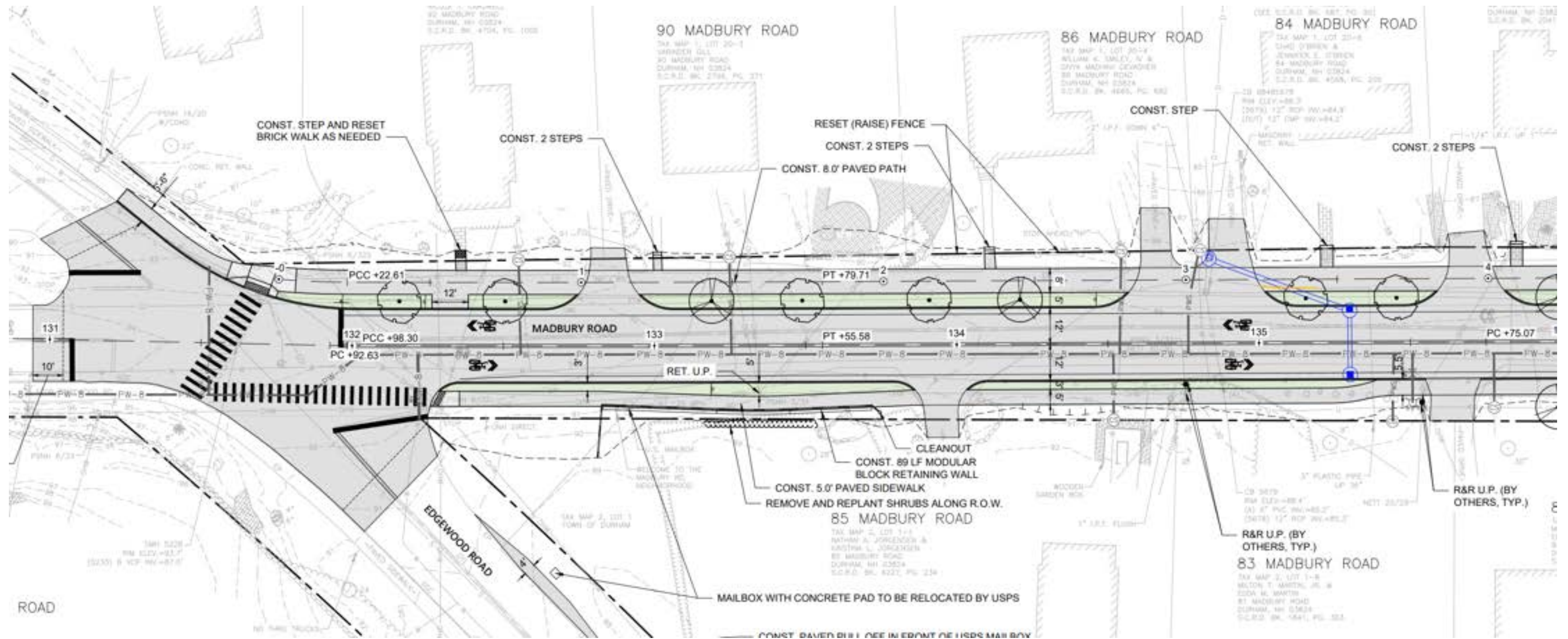


Location near Library entrance with crosswalk including rectangular rapid flashing beacons (RRFB's) and traffic calming median island with pedestrian refuge. Begin sidewalk on western side of Madbury Road to Edgewood Road.



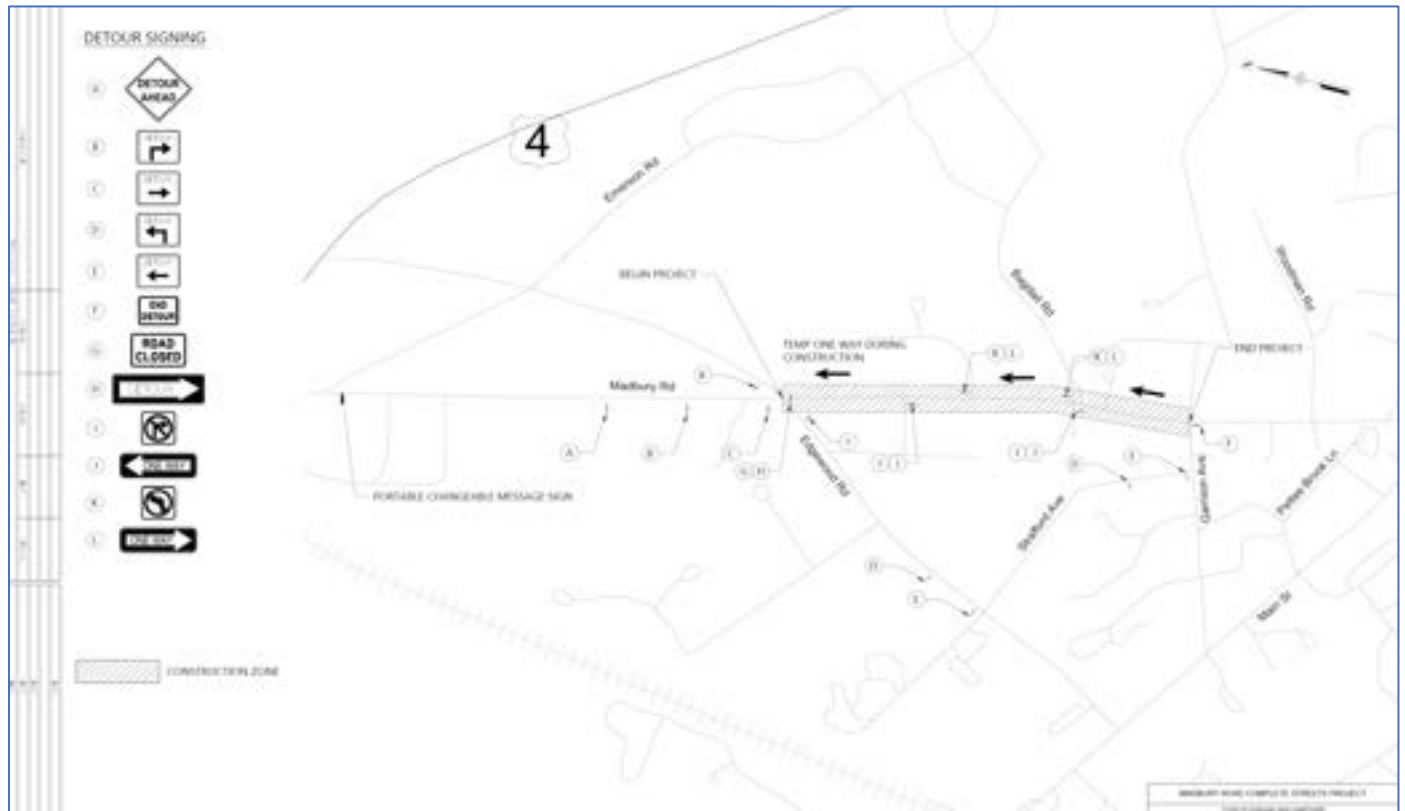
Continue multi-use path on eastern roadway side with 5' sidewalk on western side. Second traffic calming median island with crosswalk and pedestrian refuge





Location near Edgewood Road – End of Phase 3 Roadway Project with Phase 2 water main continuing north toward US Route 4

During this construction period the section of roadway between Garrison Avenue and Edgewood Road will be open to northbound traffic only, with detours as shown below in place. Watermain replacement between Edgewood Road and extending to approximately US Route 4 will require an alternate lane traffic pattern to be in place for the duration of the project.



Detour Plan for construction between Garrison Avenue and Edgewood Road

**AWARD SUMMARY**

The project design and construction improvements have been separated into multiple independent and distinct project phases with capital funding programmed for each, beginning in 2023 and occurring in each subsequent year through 2026/2027. Each phase includes the following components:

- water and sewer distribution and collection system rehabilitation and reconstruction
- roadway, sidewalk, and multi-use path reconstruction
- streetscape, lighting, traffic calming and Complete Streets improvements
- stormwater and drainage system reconstruction



As of this time, four construction contracts have been awarded which include the reconstruction of two large culverts at Littlehale Creek, where it passes beneath Madbury and Edgewood Roads. This project was bid and awarded to Severino Construction, with substantial completion reached in 2024 and top course paving planned for the 2025 construction season.

The second contract was bid and awarded by the Council to Joseph P. Cardillo and Sons Construction and involves the reconstruction of water and sewer infrastructure, with total project limits between Maple Street and Main Street, inclusive of Madbury Court. This work has reached substantial completion with minor punch list work remaining.

The Phase 2 Roadway, Drainage, Streetscape Project, which spans approximately 1,540 feet between Main Street and Garrison Avenue represents the third contract, which was bid and awarded by the Town Council to G.W. Brooks and Sons. As noted earlier, segment 1 of this first phase of the Complete Streets Improvements between Pettee Brook Lane and Garrison Avenue is nearing completion with segment 2, between Main Street and Pettee Brook, under contract with G.W. Brooks and scheduled for completion in summer 2025. Due to the confined work area in segment 2, involving the Main Street and Madbury Road intersection and resulting traffic and pedestrian impacts, the contractor has been instructed to delay this work until the current UNH spring session is completed and vehicle and pedestrian activity decreases substantially, lessening traffic impacts.

The fourth and final contract was awarded to Continental Paving, taking advantage of highly favorable unit costs through an existing Town contract. This results in substantial savings and ensures consistent high-quality paving and workmanship on this critical corridor. Continental Paving has provided roadway and sidewalk paving services to the Town of Durham for the past 14 years and has consistently performed in an outstanding manner while providing extremely competitive pricing and the highest level of workmanship, project coordination and materials. Unlike many paving contractors in the region, Continental owns and operates their own asphalt plants, equipment, and personnel to perform the majority of the project scope. This eliminates the reliance on subcontractors, which would have the potential to cause delays and introduce lesser quality paving materials.

The Town's consultant VHB conducted a thorough cost analysis for the project, closely examining unit costs and quantities and comparing these costs to current bid pricing received for similar projects to ensure public funds will be spent prudently. Notwithstanding the continued escalation in pricing within the construction industry, G.W. Brooks, Joseph P. Cardillo and Continental Paving have agreed to hold their unit pricing at the same or more competitive levels as their prior bids. With the volume of available construction work in the region, contractors have had the ability to pick and choose projects. Very often towns are encountering no bid or single bids, with excessively escalated pricing, from contractors on advertised projects - sometimes with questionable qualifications and references. Examples include a recent bid received by the Town of Pelham, NH for a roundabout project that VHB Engineers conservatively estimated at \$1.6 Million. The low bid was \$2.1 Million, which is an increase of 31% above the

engineer's estimate. In this case one other bid was received for the Pelham project which was 56% over the engineer's estimate. Another example includes an NHDOT roadway project similar to the Madbury Road Complete Streets project where the low bid was 44% over the engineer's estimate, coming in at \$16 Million. With consideration of the current bidding climate, Durham Public Works has implemented a strategy, when possible, to retain high quality contractors, with extremely competitive pricing who are familiar with the project and the Town's expectations. This provides project continuity and is in the Town's best interests. All contractors recommended for the 2025 work have performed exceptionally well on the first phases of the Madbury Road Complete Streets Project. The negotiated cost proposals are well below the engineer's estimate of probable cost, in some instances saving the Town over \$500,000.

Durham Public Works plans to bring forward a recommendation to award Continental Paving the balance of the 2025 Road Program contract to leverage these cost savings at an upcoming Town Council meeting.

Based on the contracts negotiated with each of the contractors and the Department's and VHB's review of the materials submitted, the Department recommends the Council award construction contracts to: G.W. Brooks and Sons, Inc in an amount not to exceed \$2,151,281; Continental Paving, Inc. in an amount not to exceed \$604,284.45; Joseph P. Cardillo and Sons in an amount not to exceed \$1,990,597.50

Regarding Engineering Services during construction, VHB Engineers and their subconsultants were selected to provide engineering design, permitting and construction inspection/contract administration services following a qualifications-based selection process which began when Durham Public Works advertised a Request for Qualifications (RFQ) in 2021. Several firms were interviewed in March of 2021 by a panel comprised of Town Council Chair at the time, Katherine Marple, Public Works Director, Rich Reine and Town Engineer April Talon. Following these interviews, the panel reached consensus that VHB was the most advantageous firm to enter into scope and fee negotiations with. VHB was awarded a contract and continues to provide professional engineering services for the Madbury Road Complete Streets Project. Following receipt of construction bids and finalization of project scope and timeline, Durham Public Works requested VHB provide a fee and scope proposal for continued construction inspection, design, and contract administration. Durham Public Works recommends the Town Council award the Construction Inspection, Design and Administration Contract for the Madbury Road Complete Streets Phase I Roadway, Drainage and Streetscape Project to VHB Engineers of Bedford, NH in the Amount of \$584,635.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

Construction Contract Amount – G. W. Brooks & Son Inc. \$2,151,281

Construction Contract Amount – Joseph P. Cardillo & Sons Inc. \$1,990,597.50

Construction Contract Amount – Continental Paving Inc. \$604,284.45

Const. Inspection, Design and Admin Contract Amount – VHB Inc. \$584,635

ACCOUNT	TITLE	BUDGETED	EXPENSED/ ENCUMBERED TO DATE	REQUESTED	REMAINING
07-2392-221	Madbury Road Waterline Replacement 2023	\$1,775,000	\$1,662,010	\$ 112,990 (Cardillo)	\$0
07-2391-801	Madbury Roadway Sidewalk Drainage 2023	\$600,000	\$562,944	\$37,056 (Continental)	\$0
07-2492-221	Madbury Road Waterline Replacement	\$1,980,000	\$0	\$1,877,608 (Cardillo) \$102,392 (VHB)	\$0
07-2591-801	Madbury Roadway Sidewalk Drainage 2025	\$3,120,900	\$0	\$567,229 (Continental) \$2,151,281 (GW Brooks) \$309,828 (VHB)	\$92,562
07-2592-221	Madbury Road Waterline Replacement	\$710,000	\$0	\$172,415 (VHB)	\$537,585
<b>TOTAL</b>		\$8,185,900	\$2,224,954	\$5,330,799	\$630,147

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION #1 :**

***THE DURHAM TOWN COUNCIL DOES HEREBY, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE CONSTRUCTION CONTRACT FOR THE PHASE 3 MADBURY ROAD COMPLETE STREETS ROADWAY, DRAINAGE AND STREETScape PROJECT TO G.W. BROOKS AND SONS, INC. FOR A TOTAL PRICE NOT TO EXCEED \$2,151,281, SUBJECT TO AVAILABLE FUNDING AND AUTHORIZES THE ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS.***

**MOTION #2:**

***THE DURHAM TOWN COUNCIL DOES HEREBY, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE CONSTRUCTION CONTRACT FOR THE MADBURY ROAD COMPLETE STREETS PHASE 2 WATER UTILITY REPLACEMENT PROJECT TO JOSEPH P. CARDILLO OF WAKEFIELD, MA FOR A TOTAL PRICE NOT TO EXCEED \$1,990,597.50, SUBJECT TO AVAILABLE FUNDING AND AUTHORIZES THE ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS.***

**MOTION #3**

***THE DURHAM TOWN COUNCIL DOES HEREBY, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE PAVING CONTRACT FOR THE MADBURY ROAD COMPLETE STREETS PHASE 3 ROADWAY, DRAINAGE, STREETScape PROJECT TO CONTINENTAL PAVING , INC. OF LONDONDERRY, NH FOR A TOTAL PRICE NOT TO EXCEED \$604,284.45, SUBJECT TO AVAILABLE FUNDING AND AUTHORIZES THE ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS.***

**MOTION #4**

***THE DURHAM TOWN COUNCIL DOES HEREBY, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE CONSTRUCTION INSPECTION, DESIGN AND ADMINISTRATION CONTRACT FOR THE MADBURY ROAD COMPLETE STREETS ROADWAY, DRAINAGE, STREETScape AND WATER UTILITY PROJECT TO VHB ENGINEERS OF BEDFORD, NH FOR A TOTAL PRICE NOT TO EXCEED \$584,635, SUBJECT TO AVAILABLE FUNDING AND AUTHORIZES THE ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS.***



## TOWN OF DURHAM

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AGENDA ITEM: **#10H** *TS*

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:** Planning Board

**AGENDA ITEM:** SHALL THE TOWN COUNCIL APPROVE ON FIRST READING ORDINANCE #2025-04 AMENDING CHAPTER 175, "ZONING," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," OF THE TOWN CODE TO CHANGE THE MINIMUM FRONT SETBACK IN THE OFFICE – RESEARCH 108 (OR) DISTRICT ON MINOR STREETS AND COLLECTOR ROADS AND SET THE PUBLIC HEARING DATE FOR APRIL 7, 2025?

**CC PREPARED BY:** Michael Behrendt, Town Planner

**PRESENTED BY:** Michael Behrendt, Town Planner

**AGENDA DESCRIPTION:**

The Planning Board voted to initiate this amendment. Riverwoods submitted a preliminary site plan application to develop its lot on the northerly side of Stone Quarry Drive. The lot is laced with wetlands which, along with the 75-foot buffer, constrain development on the lot. Riverwoods has been exploring options for site its buildings to avoid or minimize impact upon the wetland buffers. (*See Zoning Map showing OR below.*)

In the course of the review, the Planning Board realized that the front setback of 50 feet in the Office Research District is larger than that in all of the other base zoning districts. The front setback for minor and collector streets (all but state highways) is 15 feet or 30 feet. The 50 foot setback seems excessive. By reducing the setback to 30 feet, the front setback in the other three Office Research Districts, Riverwoods would also be able to pull the buildings forward on their project reducing any impact upon the wetland buffers.

The preliminary site plan for Riverwoods was closed. Riverwoods will be seeking several variances for their project soon. Then they will submit a formal application to the Planning Board.

**LEGAL AUTHORITY:**

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

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

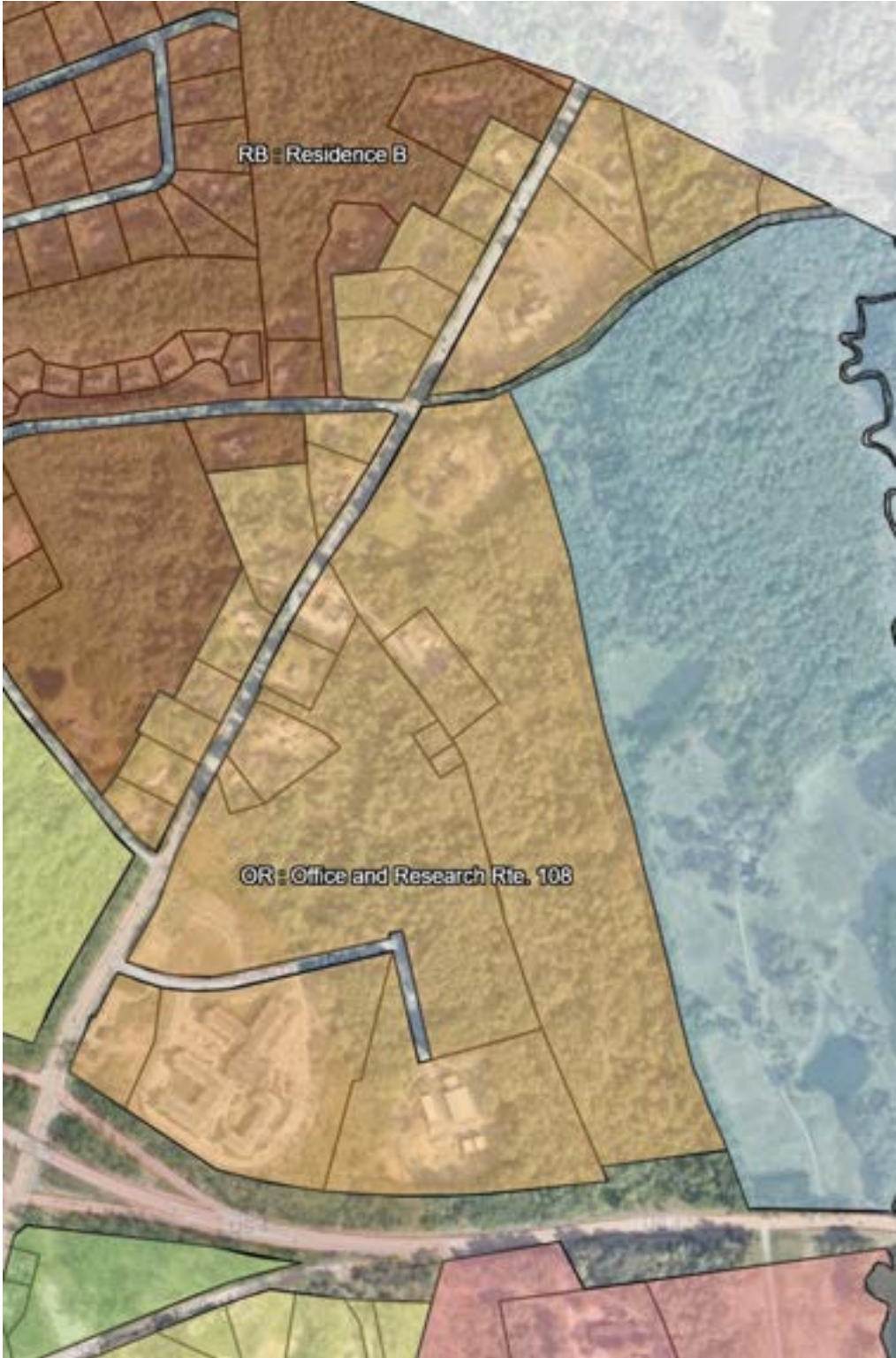
N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*the Town Council does hereby approve on First Reading Ordinance #2025-04 Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," of the Town Code to change the minimum front setback in the Office - Research 108 (OR) District on minor streets and collector roads, and sets the Public Hearing date for April 7, 2025.*

Light brown is Office Research District. Riverwoods subject lot is L-shaped lot located on northerly side of Stone Quarry Drive.



## **ORDINANCE #2025-04 OF DURHAM, NEW HAMPSHIRE**

### **AMENDING CHAPTER 175, "ZONING," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," OF THE TOWN CODE TO CHANGE THE MINIMUM FRONT SETBACK IN THE OFFICE – RESEARCH 108 (OR) DISTRICT ON MINOR STREETS AND COLLECTOR ROADS**

**WHEREAS**, the front setback in the Office Research Route 108 District is 50 feet whereas the front setbacks in all other base zoning districts are 15 feet or 30 feet; and

**WHEREAS**, there is a different setback in the zoning district from Route 108 and this front setback really affects only one lot, Map 209, Lot 33 owned by Riverwoods; and

**WHEREAS**, Riverwoods desires to develop this lot and there is a degree of unfairness in imposing a larger front setback on this one lot than that imposed on virtually any other lot in the town; and

**WHEREAS**, reducing the front setback to 30 feet, the same front setback for minor and collector roads in the other three Research Industry districts will allow for a Riverwoods development with less impact upon wetland buffers; and

**WHEREAS**, the Planning Board held a public hearing on this proposed amendment on February 26, 2025 and then voted unanimously to initiate the amendment; and

**WHEREAS**, the Durham Town Council held a duly noticed public hearing on April 7, 2025.

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, hereby adopt **Ordinance #2025-04** and does hereby amend the following sections of the Code.



*Deleted text to be shown like this*

*Proposed text to be added to be shown like this*

	<b>OR</b>	<b>MUDOR</b>	<b>ORLI</b>	<b>DBP</b>
<b>Minimum Front Setback in Feet</b>				
- Minor Street <sup>1</sup>	<del>50</del> 30	30	30	30
- Collector Street	<del>50</del> 30	30	30	30
- Arterial Street	<b>See Note 6</b>	100	50	50
<b>Maximum Front Setback in Feet</b>	NA	NA	NA	NA
<b>Minimum Side Setback<sup>4</sup> in Feet</b>	25	20	20	20
<b>Minimum Rear Setback<sup>4</sup> in Feet</b>	25	20	20	20

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.

4. See Article XX for requirements for accessory buildings.

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.

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

\_\_\_\_\_  
Sally Needell, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Rachel Deane, Town Clerk-Tax Collector



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

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:** Susan Richman, IWMAC member

**AGENDA ITEM:** PRESENTATION BY SUSAN RICHMAN ON RESOLUTION #2025-06 SUPPORTING A STATEWIDE PETITION REQUESTING THAT GROCERS REDUCE THE DISTRIBUTION OF SINGLE-USE PLASTIC BAGS.

**CC PREPARED BY:** Karen Edwards, Administrative Assistant

**PRESENTED BY:** Susan Richman, IWMAC member

**AGENDA DESCRIPTION:**

Susan Richman, member of the Integrated Waste Management Advisory Committee, has asked that the Council adopt this resolution in support of a statewide petition requesting that grocery stores do away with plastic bags. Here is that petition:

*To: Major grocery stores*

*From: [Your Name]*

*We, the undersigned residents of New Hampshire, are petitioning New Hampshire's major grocery store chains to voluntarily eliminate the practice of providing free single-use plastic bags at checkouts.*

*We respectfully request that your stores:*

- 1. Implement an immediate "opt-in" policy where cashiers ask if customers need bags.*
- 2. Provide incentives for reusable bags.*
- 3. Provide prominent displays near checkout offering sturdy reusable bags for sale, with information on cost and environmental savings for all.*
- 4. Make a plan for phase out of single-use plastic bags.*

*How we can help:*

- 1. Provide information about alternatives to single-use plastic, such as mesh produce bags.*
- 2. Write letters to newspapers and post on social media recognizing your store's decision to voluntarily reduce single use plastic in New Hampshire.*

*The following organizations support this petition:*

*Dover Plastic Reduction Group, Green Mountain Conservation Group, Kearsarge Climate Action, NH Healthy Climate, NH Network, North Country Alliance for Balanced Change, Portsmouth Climate Action, Save Forest Lake, Tamworth Recycling Project, Third Act New Hampshire*

According to Susan, "The petition has two audiences: the NH Solid Waste Working Group, as the basis for discussing legislation for a plastic bag ban; and CEOs of NH's major grocery chains, who had indicated interest only if there were legislation to ensure 'a level playing field.'"

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council hereby adopts Resolution #2025-06 supporting a Statewide petition requesting that Grocers reduce the distribution of Single-Use Plastic Bags.*

## **RESOLUTION #2025-06 DURHAM, NEW HAMPSHIRE**

### **A RESOLUTION SUPPORTING A STATEWIDE PETITION REQUESTING THAT GROCERS REDUCE THE DISTRIBUTION OF SINGLE-USE PLASTIC BAGS**

**WHEREAS**, In January 2021, Durham joined the Global Covenant of Mayors for Climate and Energy (GCoM), in which local governments commit to undertake measures to reduce/limit greenhouse gas emissions; and

**WHEREAS**, plastics across their “life cycle” are a considerable source of such emissions, as documented in *The PLASTIC ATLAS 2019, jointly published by Heinrich Böll Foundation, Berlin, Germany, and Break Free From Plastic*: “The production of plastics is one of the largest and fastest-growing contributors to these [global greenhouse-gas] emissions. Plastics are petrochemicals. More than 99 percent of plastics come from such fossil-fuel feedstocks. Petrochemicals are the fastest-growing form of oil consumption globally; the International Energy Agency forecasts that they will account for half of the extra demand for oil by 2050. In the United States and elsewhere, plastics and other petrochemicals form a large and rapidly growing destination for fracked gas. As plastic production grows, it will lock in new fossil-fuel infrastructure and increase emissions that arise from the exploration, extraction, transport and refining of oil, gas, and coal. Global production of plastics has increased from 2 million tonnes in 1950 to 400 million tonnes in 2015. The production and use of plastics have nearly doubled in the last 20 years; they are expected to double again over the next 20, and quadruple by the early 2050s”; and

**WHEREAS**, plastic bags are the “low hanging fruit,” the easiest plastic to do without, at no cost to retailers and little bureaucratic oversight needed. As of 2021, 500 municipalities in 28 states had plastic bag legislation and 12 states had single-use plastic bag bans <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/containers-and-packaging-product-specific> ; and

**WHEREAS**, plastic bags are a waste problem. A 2022 report found that only 5% to 6% of plastics in the U.S. are recycled, and a separate 2022 study from the U.S. Department of Energy found the same <https://publicinterestnetwork.org/wp-content/uploads/2024/01/Plastic-Bag-Bans-Work-January-2024.pdf>. NH has 2.7 billion

pounds of grocery bags in landfills now and forever because plastic does not decompose, it just breaks apart, as each year another 65 million lbs. of grocery plastic bag waste is added in NH. Bags tangle in waste equipment, costing time and money; one facility estimated \$114,000 each year in repairs. The City of Dover reports: Dover has strong programs on how to recycle, but product & packaging materials are too intertwined to separate; and

**WHEREAS**, plastic packaging is also a public health issue. There are at least 16,000 chemicals used to manufacture plastics that can leach into food and beverages. Micro- and nanoplastics escape from landfills in runoff and dust, carrying toxic chemicals into water, soil and crops. They have been found throughout the human body including in placentas, hearts, lungs, testicles and brains. Toxics from plastic have been linked to metabolic disorders and endocrine disruption <https://www.niehs.nih.gov/health/topics/agents/endocrine>; and

**WHEREAS**, Durham's Integrated Waste Management Advisory Committee (IWMAC) had a meeting with Robin Bisson, Manager of the Durham Hannaford, and George Parmenter, then Sustainability Leader for the New England Hannaford operation, in which the Committee told the chain would only cease giving out plastic bags if they were assured other stores would do the same, and other towns have had similar conversations with grocery store CEOs, as well as being told the stores would do what was required by legislation; and

**WHEREAS**, in past years legislation to ban single-use plastic bags failed, due to the perception that the public and grocers were not in favor of a bag ban; and

**WHEREAS**, on February 19 the House Environment and Agriculture Committee suggested members of the "Plastics Working Group" work with Representative Karen Ebel's Solid Waste Working Group to work on legislation to deal with plastic bags (<https://www.youtube.com/live/0HNXQTQt3pY>, 1:22:20), and Rep. Ebel has since proposed two meetings this spring (*private correspondence Feb. 23*); and

**WHEREAS**, IWMAC views the success of this petition as an opportunity to convince both the grocery CEOs and the legislators of the public will to move forward with a plastic bag ban; and

**WHEREAS**, this petition has 12 organizational endorsements, but would be strengthened if endorsed by municipalities, who bear the cost and effort of dealing with plastic bag waste,

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby adopt **Resolution #2025-06** endorsing a statewide petition requesting that grocers reduce distribution of single-use plastic bags.

**PASSED AND ADOPTED** on this 17th day of March, 2025 by a majority vote of the Durham Town Council with \_\_\_ voting in favor, \_\_\_ opposing, and 0 abstaining.

\_\_\_\_\_  
Sally Needell Chair, Durham Town Council

***ATTEST:***

\_\_\_\_\_  
Rachel Deane, Town Clerk-Tax Collector



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

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:** Durham Housing Task Force, Downtown Zoning Subcommittee and the Town Council

**AGENDA ITEM:** **DISCUSSION AND POSSIBLE ACTION ON COUNCIL-INITIATED ZONING AMENDMENT AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," ARTICLE XII, "BASE ZONING DISTRICTS," AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," OF THE TOWN CODE TO ALLOW MIXED USE WITH RESIDENTIAL IN MOST (BUT NOT ALL) OF THE CENTRAL BUSINESS DISTRICT BY RIGHT RATHER THAN BY CONDITIONAL USE. THIS WOULD INCLUDE SEPARATING THE CENTRAL BUSINESS DISTRICT INTO TWO DISTRICTS: CENTRAL BUSINESS-1 DISTRICT (CB-1), AND CENTRAL BUSINESS-2 DISTRICT (CB-2).**

**CC PREPARED BY:** Michael Behrendt, Town Planner

**PRESENTED BY:** Michael Behrendt, Town Planner

**AGENDA DESCRIPTION:**

*Regarding Mixed-Use with Residential and CB-1 and CB-2*

- ❖ Prospective action: A vote by the Town Council to formally initiate this zoning amendment and send the proposal to the Planning Board for consideration.

If the Town Council initiates this zoning amendment, as here presented or modified, it would be sent to the Planning Board for consideration. The Planning Board would hold a public hearing on the amendment and provide comments on the proposal to the Town Council. The amendment would then be placed into the ordinance format (with Whereas, etc.) for consideration by the Town Council for first reading and a public hearing.

Sally Tobias, chair of the Durham Housing Task Force, presented four ideas for strengthening the downtown, including this amendment, to the Town Council on

February 3. This amendment is now presented for prospective action by the Town Council. More background information was provided in the February 3 Council Communication. Two other zoning changes are being presented separately the same evening and the proposal regarding RSA 79E will be presented at a separate upcoming meeting.

Zoning amendments can be initiated by the Planning Board or the Town Council. Most amendments are initiated by the Planning Board, certainly those which involve significant deliberations over multiple meetings. However, the Housing Task Force requested that these three zoning changes be presented to the Town Council for initiation because the Town Council has expressed concern about the downtown and these changes do not seem to require deliberations over multiple meetings.

**Mixed use with residential.** The proposal is to allow this use by right in most of the Central Business District. Mixed use with residential is the key use for projects in the Central Business District (commercial on the first floor and residential mainly above). However, the use is allowed by conditional use, which can discourage developers from applying due to the uncertainty of the process.

There is concern about allowing this use by right in the Mill Plaza site due to the potential for developing high density student housing next to the Faculty Road neighborhood. In order to avoid this possibility, the proposal is to separate the Central Business District into Central Business-1, which would encompass all of the district except for Mill Plaza, where the use would be allowed by right, and Central Business-2, including Mill Plaza and a portion of nearby UNH land, where it would remain a conditional use. *(See the map included in the Proposed Amendment.)*

**CB-1 and CB-2.** The only change to CB-1 from the current Central Business District would allow Mixed Use with Residential by right. There would be no change to CB-2 from the current Central Business District, other than the name change and the addition of neighboring land that is owned by UNH. I have conveyed to the owners of Mill Plaza and the UNH Campus Architect about this proposed change but have not received back any comments. I will follow up with them as this moves forward. If/once the Planning Board holds a public hearing the owners will receive an official notice and have an opportunity to comment if they wish. They could also comment at a Town Council public hearing.

The proposed Central Business-2 also serves as a transition from the traditional downtown character of Central Business-1. Given the difference in character between Mill Plaza and the rest of the current Central Business District, the creation of separate districts will also allow for the CB-2 to be specially tailored in the future for the Mill Plaza site if desired.

There was discussion at the Town Council meeting on February 3 about possibly extending the proposed CB-2 zone to the south. I recommend just proceeding with the



areas delineated in order to keep the proposed changes as simple as possible. Note that changing any UNH property will have no impact since UNH is exempt from zoning.

**LEGAL AUTHORITY:**

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

**LEGAL OPINION:**

The Town Attorney stated that she would be comfortable defending the proposed new Central Business District – 2 as presented.

**FINANCIAL DETAILS:**

It is expected that this change will result in more development in the Central Business District (CB-1) including the creation of new taxable value.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council hereby initiates a Zoning Amendment Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII, "Base Zoning Districts," and Article XII.1, "Use and Dimensional Standards," of the Town Code to allow mixed use with residential in most (but not all) of the Central Business District by right rather than by conditional use and sends the amendment to the Planning Board for review and approval. This would include separating the Central Business District into two districts: Central Business-1 District (CB-1), and Central Business-2 District (CB-2).*

## PROPOSED ZONING AMENDMENT

### Central Business District – CB1, CB2, and Mixed Use with Residential

For presentation to Town Council – March 17, 2025

*Zoning amendment proposed by the Durham Housing Task Force for the purposes of changing Mixed Use with Residential from a conditional use to a use permitted by right in most of the Central Business District and creating a transition zone between the main part of the Central Business District and residential neighborhoods to the south.*

*For consideration by the Town Council for possible vote to initiate as an amendment, as is or with changes, and to send to the Planning Board for consideration.*

- ❖ Rezone four parcels/tracts of land as follows. See the proposed zoning map at the bottom.
  - Rezone all of the existing Central Business District, except for the Mill Plaza lot, Map 109, Lot 3 and the Main Street island, Map 109, Lot 103, from Central Business District (CB) to a new zone - Central Business District-1 (CB-1).
  - Rezone the Mill Plaza lot, Map 109, Lot 3 from Central Business District (CB) to a new zone - Central Business District-2 (CB-2).
  - Rezone the small parcel on the island between Main Street and Mill Road, Map 109, Lot 103, owned by the Town of Durham, from Central Business District (CB) to a new zone – Central Business District-2 (CB-2).
  - Rezone this parcel of land owned by the University of New Hampshire from Residence A (RA) to a new zone - Central Business District-2 (CB-2): land bound on the easterly side by the westerly right of way of Mill Road, on the northerly side by the southerly right of way of Main Street, on the westerly side by the centerline of the Quad Way right of way, and on the southerly side by a line commencing at the intersection of the westerly right of way of Mill Road and the easterly corner of Map 109, Lot 102, thence extending in a westerly direction along the northerly side lot line of Map 109, Lot 102, thence extending in a straight line to the centerline of the Quad Way right of way.
- ❖ Change the definition for “Commercial Core” in Article II to read:

“COMMERCIAL CORE – The Commercial Core includes six zoning districts: the Central Business District-1 (CB-1), the Central Business District-2 (CB-2), the Church

Hill District (CH), the Coe’s Corner District (CC), the Courthouse District (C), and the Professional Office District (PO).”

❖ **Section 175-42. Central Business District.**

➤ Change title “**175-42 Central Business District (CB)**” to “**175-42 Central Business District–1 (CB-1) and Central Business District–2 (CB-2)**”

➤ Change the first Subsection A. to Subsection B.

➤ Change the second subsection B. to Subsection C.

➤ Add a new Subsection A. as follows:

**A. Central Business District-1 (CB-1) and Central Business District-2 (CB-2)**

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

➤ Add this paragraph at the end of **B. Purpose of the Central Business Districts:**

The Central Business District is separated into two zoning districts, Central Business District-1 and Central Business District-2 for the purpose of treating aspects of Central Business District-2 that vary from the character of Central Business District-1 differently, in particular the presence of a large parking lot on the two sites in CB-2 and the specific character of a shopping plaza on one site and university buildings on the other. Central Business District-2 also functions as a transition zone between the traditional downtown commercial character of Central Business District-1 and the residential neighborhoods situated to the south.

➤ In Section 175-42 change “Central Business District” to “Central Business Districts” wherever the term appears. In the third sentence under Purpose of the Central Business District change “The Central Business District is intended” to “The Central Business Districts are intended.”

❖ **Section 175-53. Table of Land Uses.**

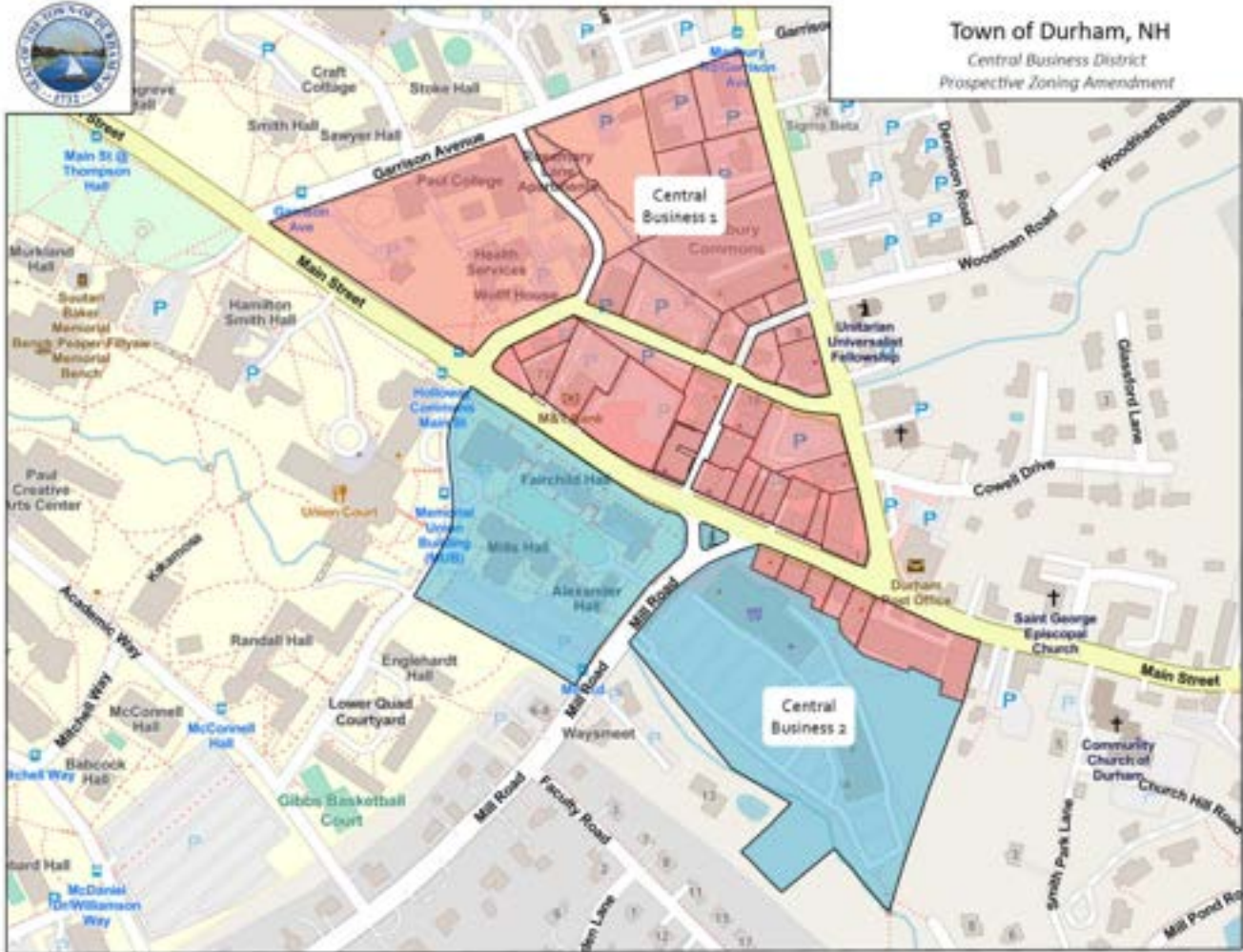
➤ At the top of the Table of Land Uses change “Central Business (CB)” to “Central Business (CB-1 and CB-2)”

- At the top of the Table of Land Uses add “See Note 4” under the heading Central Business District (CB).
  - In the table for Mixed Use with Residential under Central Business District (CB) replace “CU” with “Note 5”.
  - Add Note 4 at the bottom of the table to read, “4. All uses under Central Business District (CB) apply to both Central Business District-1 (CB-1) and Central Business District-2 (CB-2) except where otherwise noted.
  - Add Note 5 at the bottom of the table to read, “5. Mixed use with residential is P in CB-1 and CU in CB-2.
- ❖ Section **175-54. Table of Dimensions.** At the top of the Table of Dimensions change “Central Business (CB)” to “Central Business (CB-1 and CB-2)”
  - ❖ Throughout the ordinance change “Central Business District” to “Central Business Districts,” or “Central Business District(s)” as appropriate, and change grammar accordingly with the change from a singular Central Business District to plural Central Business Districts. In the Table of Contents under Article XII Base Zoning Districts change “Central Business District (CB)” to “Central Business Districts (CB-1 and CB-2).”

(over)



Town of Durham, NH  
Central Business District  
Prospective Zoning Amendment





## TOWN OF DURHAM

8 Newmarket Road  
Durham, NH 03824  
Tel: 603-868-5571  
Fax: 603-868-1858  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

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

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:** Durham Housing Task Force, Downtown Zoning Subcommittee and the Town Council

**AGENDA ITEM:** DISCUSSION AND POSSIBLE ACTION ON COUNCIL-INITIATED ZONING AMENDMENT AMENDING CHAPTER 175, "ZONING," ARTICLE ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," OF THE TOWN CODE TO ALLOW MULTI-UNIT RESIDENTIAL BY RIGHT IN THE PROFESSIONAL OFFICE, CHURCH HILL, AND COURTHOUSE DISTRICTS.

**CC PREPARED BY:** Michael Behrendt, Town Planner

**PRESENTED BY:** Michael Behrendt, Town Planner

**AGENDA DESCRIPTION:**

*Regarding permitting Multi-Unit Residential in the PO, CH, and C Districts*

- ❖ Prospective action: A vote by the Town Council to formally initiate this zoning amendment and send the proposal to the Planning Board for consideration.

If the Town Council initiates this zoning amendment, as here presented or modified, it would be sent to the Planning Board for consideration. The Planning Board would hold a public hearing on the amendment and provide comments on the proposal to the Town Council. The amendment would then be placed into the ordinance format (with Whereas, etc.) for consideration by the Town Council for first reading and a public hearing.

Sally Tobias, chair of the Durham Housing Task Force, presented four ideas for strengthening the downtown, including this amendment, to the Town Council on February 3. This amendment is now presented for prospective action by the Town Council. More background information was provided in the February 3 Council Communication. Two other zoning changes are being presented separately the same evening and the proposal regarding RSA 79E will be presented at a separate upcoming meeting.

Zoning amendments can be initiated by the Planning Board or the Town Council. Most amendments are initiated by the Planning Board, certainly those which involve significant deliberations over multiple meetings. However, the Housing Task Force requested that these three zoning changes be presented to the Town Council for initiation because the

Town Council has expressed concern about the downtown and these changes do not seem to require deliberations over multiple meetings.

**Multi-unit residential.** This proposal would allow this use by right in the Professional Office, Church Hill, and Courthouse districts. The ordinance is very restrictive for multi-unit residential. Prior to the 2000 Master Plan it was likewise restrictive but the master plan recommended expanding the zoning to allow for new high quality student housing and to support the tax base. The zoning was expanded and the town realized over 2,000 new beds of student housing. In response, the Town once again tightened up the zoning over the last dozen years.

With flat enrollment at UNH and the addition of many new beds, it would seem that the Town could allow for more multi-unit residential that might attract non-students as well as students. The task force recommends adding this use to three of the five core commercial districts – Professional Office (PO), Church Hill (CH), and Courthouse (C). There are already numerous student housing developments in the PO and CH districts but they are nonconforming now. Coes Corner is not included as the district is further away and less walkable to the downtown. Central Business District is not included because the first floor of buildings in the CB district should be reserved for commercial uses, not for apartments.

Dimensions are provided for multi-unit residential in the PO, CH, and C districts in the Table of Dimensions now. They seem workable.

**LEGAL AUTHORITY:**

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

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

It is expected that this change will result in more development in the Professional Office, Church Hill, and Courthouse districts including the creation of new taxable value.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Town Council does hereby initiate a Zoning Amendment Amending Chapter 175, “Zoning,” Article XII.1, “Use and Dimensional Standards,” of the Town Code to allow multi-unit residential by right in the Professional Office, Church Hill, and Courthouse districts and sends the amendment to the Planning Board for review and approval.*

**PROPOSED ZONING AMENDMENT**  
**Permitting Multi-Unit Residential in the PO, CH, and C Zoning Districts**  
**For presentation to Town Council – March 17, 2025**

*Zoning amendment proposed by the Durham Housing Task Force for the purpose of permitting by right Multi-Unit Residential in the Professional Office, Church Hill, and Courthouse Districts where it is not presently permitted.*

*For consideration by the Town Council for possible vote to initiate as an amendment, as is or with changes, and to send to the Planning Board for review.*

❖ **Section 175-53 Table of Uses.**

Change Multi-Unit Residential from CUA to P in the Professional Office (PO), and from X to P in the Church Hill (CH), and Courthouse (C) Districts.

*Proposed additions to existing text are shown like this.*

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

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Residence, multi-unit	X	X	X	X	X	<del>CUA</del> P	<del>X</del> P	<del>X</del> P	X	X	X	X	X





## TOWN OF DURHAM

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

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:** Durham Housing Task Force, Downtown Zoning Subcommittee and Town Council

**AGENDA ITEM:** **DISCUSSION AND POSSIBLE ACTION ON COUNCIL-INITIATED ZONING AMENDMENT AMENDING CHAPTER 175, "ZONING," ARTICLE XII, "BASE ZONING DISTRICTS," AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," OF THE TOWN CODE TO REMOVE THE CURRENT THREE-STORY HEIGHT LIMIT THAT APPLIES TO NUMEROUS LOTS IN THE CENTRAL BUSINESS DISTRICT ON MAIN STREET AND MADBURY ROAD.**

**CC PREPARED BY:** Michael Behrendt, Town Planner

**PRESENTED BY:** Michael Behrendt, Town Planner

**AGENDA DESCRIPTION:**

*Regarding the three-story height limit in the Central Business District*

- ❖ Prospective action: A vote by the Town Council to formally initiate this zoning amendment and send the proposal to the Planning Board for consideration.

If the Town Council initiates this zoning amendment, as here presented or modified, it would be sent to the Planning Board for consideration. The Planning Board would hold a public hearing on the amendment and provide comments on the proposal to the Town Council. The amendment would then be placed into the ordinance format (with Whereas, etc.) for consideration by the Town Council for first reading and a public hearing.

Sally Tobias, chair of the Durham Housing Task Force, presented four ideas for strengthening the downtown, including this amendment, to the Town Council on February 3. This amendment is now presented for prospective action by the Town Council. More background information was provided in the February 3 Council Communication. Two other zoning changes are being presented separately the same evening and the proposal regarding RSA 79E will be presented at a separate upcoming meeting.

Zoning amendments can be initiated by the Planning Board or the Town Council. Most amendments are initiated by the Planning Board, certainly those which involve significant deliberations over multiple meetings. However, the Housing Task Force requested that these three zoning changes be presented to the Town Council for initiation because the Town Council has expressed concern about the downtown and these changes do not seem to require deliberations over multiple meetings.

**Three story height limit.** The proposal is to remove the three-story height limit in areas of the Central Business District where it applies. In 2012 the Town received a citizen’s petition to change the Zoning Ordinance limiting the building height along a section of Main Street to three stories (This has been the only citizen’s petition regarding zoning that has been submitted over at least the past 12 years). The Town Council adopted the amendment. Shortly afterward, the Town Council initiated a similar amendment to limit the building height along a section of Madbury Road to three stories. That amendment was also adopted. (See the map included with the proposed amendment showing the affected lots.)

Now, with the strong desire to encourage development downtown, the subcommittee believes this height limit should be removed. In the rest of the Central Business District one can build to four stories by right and, by conditional use, to five stories with some required setbacks of the fifth story. If the three-story limitation is removed then this same standard for the rest of the Central Business District would apply for these sections of Main Street and Madbury Road. A four-story building must include commercial on the first floor and may include residential for the upper three stories. A five-story building must include commercial on the first floor and commercial on one other floor.

**LEGAL AUTHORITY:**

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

**LEGAL OPINION:**

NA.

**FINANCIAL DETAILS:**

It is expected that this change will result in more development in the Central Business District (CB-1) including the creation of new taxable value.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council hereby initiates a Zoning Amendment Amending Chapter 175, “Zoning,” Article XII, “Base Zoning Districts,” and Article XII.1, “Use and Dimensional Standards,” of the Town Code to remove the current three-story height limit that applies to numerous lots in the Central Business District on Main Street and Madbury Road. and sends the amendment to the Planning Board for review and approval*

**PROPOSED ZONING AMENDMENT**  
**Central Business District – Remove Three-Story Height Limit**  
**For presentation to Town Council – March 17, 2025**

*Zoning amendment proposed by the Durham Housing Task Force for the purposes of eliminating the three-story height limit specified for certain sections of the Central Business District.*

*For consideration by the Town Council for possible vote to initiate as an amendment, as is or with changes, and to send to the Planning Board for review.*

*Proposed additions to existing text are shown like this.*

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

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

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

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

1. **Building Setback** – Along the westerly side of Madbury Road from Main Street to Pettee Brook Lane, the front wall of the principal building shall be located no closer than 15 feet to, and no farther than 20 feet from, the front property line. Along the westerly side of Madbury Road from Pettee Brook Lane to Garrison Avenue, the front wall of the principal building shall be located no closer than 20 feet to, and no farther than 30 feet from, the front property line. For corner lots, this requirement shall apply to all frontages abutting a public street. Up to 50 percent of the front façade may be recessed beyond the maximum setback distance if the space between the front wall and the front property line is used as pedestrian area in accordance with paragraph 4. below. The expansion or modification of an existing building shall be exempt from this requirement if the Planning Board finds that conformance with this requirement would not be consistent with the character of the existing building.

2. Pedestrian Area – The area directly in front of the front wall of the building and extending to the front property line shall be maintained as a pedestrian area and shall be improved with appropriate amenities to link the building with the sidewalk and to encourage pedestrian and/or customer use of this space. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
3. Front Entrance – The front wall of the principal building shall contain a front door providing access to the building for tenants, customers, or other users of the building, unless the Planning Board determines that placement of the front door on another façade is a practical approach and the design of the front façade will engage the street in an effective and attractive manner. If the front wall of the building is located behind the front property line, a paved sidewalk or other appropriate pedestrian way shall be provided from the sidewalk to the front door. This provision shall not be interpreted to prevent the creation of other entrances to the building. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
4. Storage and Service Areas – All storage and service areas and facilities including dumpsters shall be located to the side or rear of the principal building and shall not be visible from a public street. Dumpsters and storage areas shall be screened or landscaped in accordance with the provisions of Article XXII and Chapter 118, Article 3, Section 118-18 of the Solid Waste Ordinance.
5. Minimum Building Height – All new principal buildings or additions to existing principal buildings that increase the building footprint by more than 20 percent, shall have a minimum of 2 usable stories or a height equivalent of 2 stories above adjacent grade at the front wall of the building.
6. Maximum number of stories – The maximum number of permitted stories is 4 *except as restricted in sections 8 and 9 below*. However, the maximum number of permitted stories *in the remainder of the district outside of the area covered in sections 8 and 9 below*, may be increased to 5 stories subject to all of the following provisions:
  - a. Adding a story is permitted by conditional use.
  - b. The provisions regarding percentage of office/retail use apply.
  - c. The additional fifth story must be set back from the first floor as follows:
    - i. by at least 10 feet where any side of the building faces a public street;  
*and*
    - ii. by at least 20 feet where any side of the building faces Main Street. *;*  
*and*
    - ~~iii. by at least 25 feet where any side of the building faces an adjacent lot (not separated by a street) situated in the section of the Central Business District that is restricted to 3 stories (Section 175-42 B. 8. and 9., or as those subsections may be renumbered in the future).~~

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

- d. The Planning Board must determine that the additional story will not have an adverse impact upon the streetscape, giving particular consideration to scale and mass (See Architectural Regulations for guidance).
- e. Building height. When an additional story is incorporated under this section the maximum building height is 60 feet.

7. Required office/retail uses for a mixed-use with residential building

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

~~8. Maximum Height of Mixed-Use Buildings, Section of Main Street—No building in the Central Business District on any lot with frontage along either side of Main Street, from and including Tax Map 109, Lot 104 (A-E) to the easterly~~

~~boundary of the district, shall exceed 3 stories. This provision specifically includes the following properties: Tax Map 109, Lot 104 (A-E); Tax Map 109, Lot 106; Tax Map 109, Lot 107; Tax Map 109, Lot 108; Tax Map 109, Lot 109; Tax Map 109, Lot 110; Tax Map 108, Lot 18; Tax Map 108, Lot 19; Tax Map 109, Lot 3; Tax Map 109, Lot 2; Tax Map 109, Lot 1; Tax Map 108, Lot 17; Tax Map 108, Lot 16; Tax Map 108, Lot 15; Tax Map 108, Lot 14; and Tax Map 108, Lot 13.~~

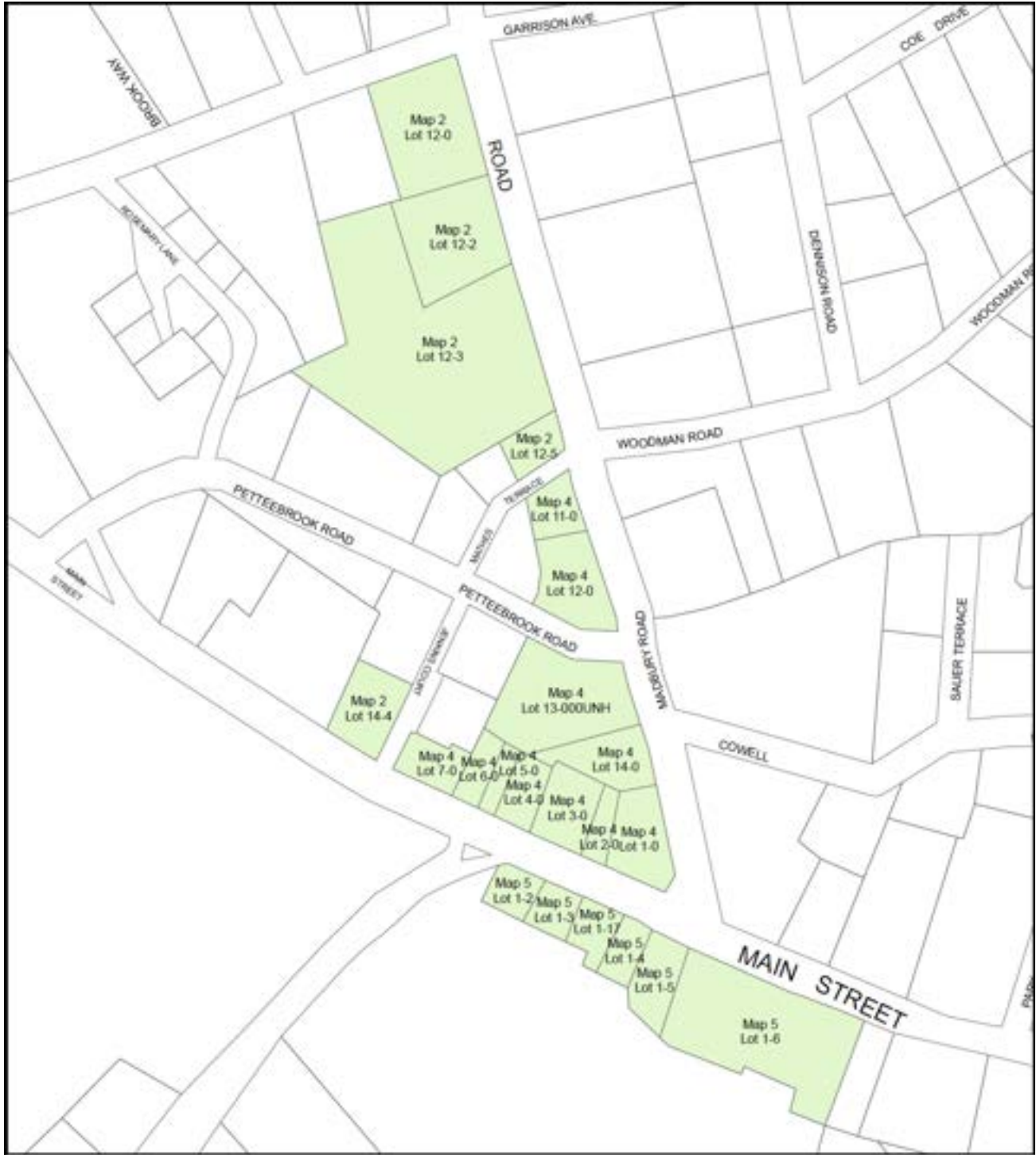
~~9. Maximum Height of Mixed-Use Buildings, Madbury Road No building in the Central Business District on any lot with frontage along Madbury Road shall exceed 3 stories. This provision specifically includes the following properties: Tax Map 2, Lot 12-0; Tax Map 106, Lot 48; Tax Map 106, Lot 49; Tax Map 106, Lot 44; Tax Map 108, Lot 19; Tax Map 106, Lot 40; Tax Map 106, Lot 39; Tax Map 106, Lot 66; and Tax Map 108, Lot 20.~~

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

❖ **Section 175-54. Table of Dimensions.**

- Under Maximum Permitted Building Height in Feet by Special Exception in the Four Residential Zones and by Conditional Use in Other Zones, delete “See Note 7” below Central Business (CB).
- At the bottom of the table, delete Note 7 (which refers to the 35 foot height limit).

*(See map below showing lots currently subject to the three-story height limit.)*







## TOWN OF DURHAM

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

DATE: March 17, 2025

### COUNCIL COMMUNICATION

**INITIATED BY:** Todd I. Selig, Administrator

**AGENDA ITEM:** DISCUSSION AND FEEDBACK TO THE ADMINISTRATOR REGARDING CHANGES TO THE LAW ENFORCEMENT SERVICES AGREEMENT BETWEEN UNH AND THE TOWN OF DURHAM.

**CC PREPARED BY:** Karen Edwards, Administrative Assistant

**PRESENTED BY:** Todd I. Selig, Administrator

**AGENDA DESCRIPTION:**

The most recent iteration of Law Enforcement Services Agreement between Durham and UNH dates back to 2002 and has served both the town and the university well. With changes in several key administrative positions at UNH and after considering recommendations from the Free Speech and Expression working group that President Elizabeth Chilton convened in Fall 2024, Administrator Selig, Police Chief Kelley, President Chilton, UNH Chief of Staff Tom Cronin, and UNH Vice President for Finance and Administration Aaron Howell met and determined that some minor, non-substantive changes within the agreement would add clarity to the reporting structure at the University that oversees the operations of the UNH Police Department.

Attached for Council review and feedback is a draft revision dated 2/18/24 outlining amendments to the agreement. In the interest of transparency concerning important public policy, Administrator Selig believed it prudent and appropriate to seek Council feedback prior to his finalizing and executing the agreement with UNH.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

No formal action required. Hold question and answer discussion, if desired.



**DRAFT PROPOSED AMENDMENTS**

**2.18.24**

The Town of Durham, New Hampshire

And

University System of New Hampshire  
University of New Hampshire  
Durham Campus

**Law Enforcement Services Agreement**

**Purpose**

The University System of New Hampshire Board of Trustees ~~has, through the UNH Chancellor,~~ delegated ~~ds~~ to the President of the University of New Hampshire ~~(UNH)~~ the responsibility to ensure ~~for~~ the safety and security of the University. Police Officers are employed for the purpose of law enforcement and security of the students, faculty, staff and visitors.

The Town of Durham, New Hampshire and through its Chief of Police, agrees to provide police appointments to designated members of the ~~University of New Hampshire~~ UNH Police Department, provided that such members have passed all of the requirements for appointment including training. All persons so appointed shall have the same police powers consistent with every other police appointment made by the Town of Durham, New Hampshire Chief of Police as defined by this agreement with the understanding that said appointments are for UNH only and confer no right of continued employment with the Town.

It is understood that the Town of Durham, New Hampshire and ~~the University of New Hampshire~~ UNH each recognize that the citizens of the Town of Durham should not be burdened with providing law enforcement services to the University community without adequate compensation. Therefore, ~~the University of New Hampshire~~ UNH agrees to assume the responsibility of law enforcement on all ~~University of New Hampshire~~ university property within the Town of Durham, New Hampshire subject to the command authority of the Town's Police Chief. ~~The University of New Hampshire~~ UNH recognizes pursuant to New Hampshire statute that the Town of Durham Police Chief is the chief law enforcement officer within the Town of Durham.

**Authority of the President of the University**

The President of the University is primarily responsible for the safety of the students, faculty, staff, and property of the University. The President, or appropriate designee, shall appoint and manage the Chief of the UNH Police Department, who will serve as the university's chief law enforcement officer. The President, or appropriate designee, is responsible for providing general operational direction to the UNH Police Department. UNH may promulgate and enforce employment standards and policies for UNH Police Officers that exceed the requirements of the Town of Durham and this agreement.

**Appointment of Police Officers for the University of New Hampshire**

The Town of Durham, New Hampshire shall, upon request of the ~~University of New Hampshire~~ UNH Chief ~~Law Enforcement Officer of Police,~~ or ~~his/her~~ designee, provide police appointments to those

## DRAFT PROPOSED AMENDMENTS

### 2.18.24

persons so designated by the University to serve as police officers for the University of New Hampshire UNH Police Department. All persons whose names are submitted for appointment shall be subject to and conform to all relevant administrative rules and regulations of the New Hampshire Police Standards and Training Council.

The Town of Durham Police Chief shall have the right to immediately suspend without hearing the Town's grant of appointment pending a hearing and may permanently terminate after notice and the opportunity to be heard, the police appointment of any University of New Hampshire UNH police officer, except that said termination shall only be after a presentation of reasons to the UNH Chief Law Enforcement Officer for the University of New Hampshire of Police. The decision of the Durham Police Chief shall be final and binding upon the University.

#### Police Authority

Generally, and by virtue of their police appointments by the Town of Durham Police Chief, University of New Hampshire UNH police officers shall have law enforcement authority within the Town of Durham without limitation, except as hereinafter provided.

#### Exercise of Police Authority/University of New Hampshire

Police Officers employed by the Durham Police Department shall defer from exercising their law enforcement authority on University of New Hampshire UNH ways and properties except when violations of law occur in their presence, when in pursuit of a law violator or suspected law violator, when conducting criminal investigations, when requested to do so by a University UNH Police official, or in all other situations when the safety and/or welfare of the public required immediate law enforcement action. The terms expressed herein shall not be interpreted as limiting in any way the statutory authority of the Durham Police Department of any of its officers.

#### Special Details

Necessary traffic control or direction that may be required upon ways maintained by the Town of Durham arising prior to, during or immediately following an event sponsored by or held at ~~the University of New Hampshire UNH~~ shall be the responsibility of the Durham Police Department unless it has specifically requested the University of New Hampshire UNH Police Department to assume said traffic responsibilities. The only exception shall be for those events outlined in the December 24, 1996 Durham Special Event – Whittemore Center Procedure.

The assignment of personnel inside the Whittemore Center, Field House, Cowell Wildcat Stadium, the Memorial Union Building, and all other campus locations will be the responsibility of the University of New Hampshire UNH Police Department. Durham Police Department members may be used in this capacity at the request of the University of New Hampshire UNH Police. The University of New Hampshire UNH Police Department will coordinate operational plans with the Town of Durham Police Department when major events that may have an impact on the Durham community are anticipated. ~~The only event excepted from the above shall be the Town of Durham Fourth of July celebration, held annually at Cowell Stadium.~~

#### Reporting of Campus Crime and Arrests to the Town of Durham

## DRAFT PROPOSED AMENDMENTS

2.18.24

It is recognized that the ~~University of New Hampshire~~UNH Police Department houses, maintains and operates a law enforcement computer system. All ~~University of New Hampshire~~UNH Police Department ~~and~~ crime and arrest data is available 24 hours a day for review by the Town of Durham Police Department and vice versa.

The Town of Durham Police Department agrees to provide access to its record system so that the ~~University of new Hampshire~~UNH Police Department can correlate crime and arrest data as may be necessary to fulfill the University's requirement to report under the Federal Campus Crime and Clery Acts.

### Mutual Aid Agreements

The ~~University of New Hampshire~~UNH Police Department may enter into ~~a~~ Mutual Aid Agreement as defined in RSA 105:13 only with the express written agreement of the Town of Durham Police Chief. Any such agreement must include language to the effect that the cooperating town will assume all responsibility of any kind for the participation of UNH Police Officers. Copies of Mutual Aid Agreements shall be sent to the Town of Durham Chief of Police ~~for his/her file~~.

### University Police Department Policies and Procedures

The ~~University of New Hampshire~~UNH Police Department desires to maintain an agency that is committed to excellence and will, as a condition precedent to the continuation of this agreement, maintain their CALEA accreditation status as obtained in 2007.

### Training of University Police Department Members

The ~~University~~UNH Police Department agrees to comply with all administrative rules and regulations of the New Hampshire Police Standards and Training Council. Records of compliance shall be kept at the ~~University~~UNH Police Department and copies shall be provided to the Chief of the Durham Police Department upon request.

### Indemnifications of the Town of Durham for Actions of University Police Officers

~~UNH The University of New Hampshire~~ agrees to carry liability insurance for members of the ~~University~~UNH Police Department ~~and~~ ~~The University of New Hampshire~~ agrees to add the Town of Durham as additional insured to the policy.

~~The University~~UNH shall completely and fully indemnify and hold harmless the Town of Durham from any and all causes of action; including but not limited to negligent hiring, retention, training, discipline and any other acts of negligence or omission on the part of any ~~University~~UNH Police Officer while acting in their official capacity, regardless of where said acts may occur within the Town of Durham or while on assignment outside of the Town of Durham acting pursuant to a valid mutual aid agreement as herein above defined except to the extent that the actions of the ~~University~~UNH Police Officer were ~~proper and legal acting done~~ under the direction of the Town of Durham Police Department in rendering mutual aid or any similar form of assistance to the Town of Durham's Police Department.

Specifically, by agreeing to fully and completely indemnify the Town, ~~UNH the University~~ is agreeing not only to satisfy any judgments or settlements against the Town as a result of any action brought

DRAFT PROPOSED AMENDMENTS

2.18.24

against the Town as a result of any action or inaction of a UNH Police Officer, but also to reimburse the Town for any and all expenses reasonably incurred by it, including but not limited to attorney's fees, reasonable costs of defense in preparation of the Town's employees and any other reasonable costs. ~~The University~~UNH specifically agrees that the Town retains the right to use its own attorneys to defend any separate claim against the Town if it so chooses or to protect its interest.

Mutual Understanding

~~The University of New Hampshire~~UNH and the Town of Durham agree that the primary duty and obligation of each of their respective law enforcement agencies is to provide professional law enforcement protection services within their primary geographical areas as herein above defined, and further, that each shall comply, where practicable, with request for assistance from the other. It is understood by each party to this agreement that such requests are voluntary, but in no instance shall such requests be unreasonably withheld. Durham and UNH Police personnel shall be provided with radio frequencies that allow monitoring of each other's activity. Whenever a police unit finds it necessary to take enforcement action/s within the boundaries of the other's jurisdiction the on duty Supervisor shall be notified as soon as reasonably possible and request assistance if necessary.

The parties agree that consistency and uniformity of law enforcement within the entire Durham community is paramount in spite of the fact that there are two separate police departments operating within the community. Accordingly, the Town of Durham and ~~the University of New Hampshire~~UNH recognize, affirm, and agree that their approach to law enforcement will not be altered or abridged by virtue of the fact that the University population is primarily students, faculty and staff of ~~the University of New Hampshire~~UNH or as a result of the fact that the ~~University of New Hampshire~~UNH Police may provide additional security services or other services to the campus residents and the University administration beyond what a municipal police officer might normally provide.

Should a court of competent jurisdiction deem any portion of this agreement void, then all remaining parts hereof shall remain in effect.

The term of this agreement will remain in full force and effect until amended or terminated in writing with (6) six months notice by authorized representatives of the University of New Hampshire and the Town of Durham. The Town may terminate this agreement with 60 days notice if ~~the University of New Hampshire~~UNH fails to comply ~~both~~ with both the letter and spirit of this agreement.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Elizabeth S. Chilton  
President, University of New Hampshire

\_\_\_\_\_  
Todd I. Selig  
Administrator, Town of Durham

DRAFT PROPOSED AMENDMENTS

2.18.24

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~~Paul H. Steven P. Lee, Dean~~  
Interim-UNH Chief of Police

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Rene Kelley  
Durham Chief of Police

January 19, 2025

Todd Selig, Town Administrator  
8 Newmarket Road  
Durham, NH 03824

Dear Todd:

I appreciate you sending me the links to the findings of the "President's working group on Free Speech" as I found it to be an interesting read on several levels especially as I reflect on my 24-years as Police Chief dealing with similar situations. It is from that perspective that I offer my opinions, suggestions and concerns about the Town's potential response, if any, to the recommendations. While I initially was going to act as the Ghost of Christmas past and not offer my thoughts, I surmised that if you are sharing the link, you risk hearing from someone who was rarely without an opinion. So here goes:

Clearly this document was very UNH centric, as it should be, focusing upon concerns uniquely specific to the UNH community. Most issues surrounding the report reference an environment of free speech, safety for the students, and strengthening the permitting system, etc. But I found many of the topics referencing the Durham and UNH Police relationships to be flawed based upon assumptions and candidly, deflections of responsibilities from the UNH Administration. Ultimately they demonstrate a naïve understanding of individual police agency relationships and how they deal with each other daily. This is not surprising and frankly justified based upon the backgrounds of the committee members. However, it appears to me that the UNH administration remained silent about who oversees the UNH Police Department. Allowing the UNH community to believe this assertion is simply disingenuous as there is 30 years of practice to demonstrate the opposite relationship.

What may be at play here and somewhat surprised me was how many names on the committee I did not recognize. Granted I have been retired as Durham's Police Chief for slightly more than 4 years, but I didn't recognize any of the senior management names.

Clearly there is little or no institutional memory of the 1990's when there was only a two paragraph contractual agreement between the Town and UNH referencing police authority.

When I assumed the role of Durham Police Chief in 1996, the relationship between the two agencies was simply venomous due largely to the insistence of the Durham Police Chief at the time, that UNH Police stay on campus exclusively and not enforce any laws on roadways controlled by the Town of Durham. Improving this relationship was one of my top priorities. In my opinion, at the core of the problem was the ambiguous two paragraph policing contract that left too much to conjecture. Until you arrived, three previous Durham Town Administrators chose not to deal with this contentious issue. Under your leadership a comprehensive agreement was finally solidified. One of the most important aspects that was a significant obstacle throughout negotiations was the requirement that the UNH Police gain accreditation through the Commission on Accreditation of Law Enforcement Agencies (CALEA). As you stated multiple times throughout those negotiations, if the Town of Durham required that "their" police department be accredited, an agency that the Town had direct control over, how could you enter into an agreement giving Town of Durham policing authority to an independent law enforcement agency where the Town had no oversight? You submitted that through CALEA accreditation, you could assure the Durham community that the UNH Police had best practice policies in place and most importantly, adhered to them, without the daily oversight of the Durham Police Chief which did not occur before or after this agreement was signed.

These negotiations and the resulting agreement served to solidify the reality that the Durham Police Chief has absolutely no oversight over the UNH Police either by agreement or practice. I can state emphatically that this was the environment and relationship between my office, Chief Nick Halias's as well as during Chief Paul Dean's tenure. Did the two agencies coordinate their efforts frequently, absolutely. But it remained a respectful partnership not a subordinate relationship. During my 24-years as Chief in Durham, never did I interject or direct any policy, initiative, discipline or require any action of the University Police Department. My entire "oversight" of the UNH Police consisted of signing the

[NOTE: I MUST SIGN AS WELL AS DEAN'S AUTHORITY  
AUTHORITY]

authorization form enabling the swearing-in of newly hired UNH police officers by the Durham Town Clerk. This was accomplished at the request of the UNH Police Chief. In most every case, I had never even met the newly hired officer. This was the memorialized arrangement even before the negotiated memorandum of understanding. However, due to accreditation, I knew that the recruitment and selection process was accomplished appropriately by the UNH Police.

Ultimately, my entire relationship with the UNH Police Department was built upon my knowledge and understanding of how relationships between all law enforcement agencies existed. I would never assume to call the police chief in Dover, or Lee, and tell them how to manage their organization. Certainly not with UNH who I must maintain a trusting and fruitful relationship. While UNH and Durham Police were literally "attached at the hip" for a host of events that neither of us could handle alone, the UNH Police were a totally separate entity that was controlled by the UNH administration despite the #1 recommendation that UNH Police must answer to UNH! While a minor point, Durham Police would not even consider going onto the UNH campus to interview a victim or a suspect without notifying and gaining permission from the UNH Police such was our respect for their independence and jurisdiction boundaries.

or the working group

[Working Group]

It is difficult for me to understand how the committee could arrive at the conclusion that anyone other than the UNH Administration oversee the actions of the UNH Police or that Chief Dean was not at their beck and call. ~~While I would not assume that the new UNH President has deliberately taken a Pontius Pilate stance on this matter,~~ it is beyond the pale to make that supposition that UNH Police are not overseen daily by the UNH administration. When has Durham ever overseen the UNH Police operating budget, pay invoices or determine salary structures of the employees nor sign the employee's payroll checks. This conclusion is totally unacceptable and simply false.

of the working group

Recommendation #3 calls upon Durham Police Chief Kelly to solicit an independent investigation into the conduct of UNH Police, specifically Chief Paul Dean. This request is flawed and constitutes actions that have never been requested, demanded or addressed in



the last 30 years. When allegations were lodged against UNH Police Chief Roger Beaudoin in the late 1990's, Durham Police were not involved nor asked to be involved at any level. The subsequent retirement/termination of Chief Beaudoin was handled entirely by the UNH Administration as was the hiring of Chief Halias in the aftermath. Clearly the UNH Administration was in charge then, as they are now.

While I have not read the document, the UNH Police conducted an after-action critique of the event as required by CALEA standards. If policy violations or flaws were detected, the UNH Police would also be required to take affirmative steps to correct. If there is a formal complaint alleged against a specific officer, there are written directives that oversee the subsequent investigation and the sharing of the investigation's conclusion. Ultimately for a host of legitimate reasons, this is an area where the Town of Durham should not participate.

Recommendation #5 states that there should be protocol for how UNH requests external police assistance. This is a moot point as CALEA standards, which are currently in place, require specific protocol for accomplishing this task that the UNH Police have followed in the past. I know from experience that these protocols have been adhered to with Durham Police as well as a host of other agencies including Laconia, Dover and the New Hampshire State Police. Ironically, UNH is in an interesting position creating a significant dilemma for Chief Dean. The New Hampshire State Police would have no authority to come into the Durham community unless requested by the Durham Police Chief. In UNH's situation, the University is a State entity, and the Governor can take the initiative to assign State Police to the campus regardless of the opinions of Chief Dean and/or the President of the University.

I found recommendations #6, #7 and #8 interesting from the earlier recommendation of #1 where there is a desire for the UNH Police to "answer" to the UNH Administration. Yet these three recommendations specifically instruct the UNH Police to accomplish tasks at the requirement of the UNH Administration. These are great recommendations and should be followed but seem to be contrary to the premise of the report that UNH lacks oversight of "their" police department.

Finally, a concern from my years of dealing with large scale events that occurred as the result of UNH being located within the Town of Durham is amplified in Section II, e, ii which states that “law enforcement should be reserved for matters where there is an urgent safety concern....” The challenge to this edict is that if there are not significant police resources highly visible from the beginning of the event, delaying passive police intervention past the tipping point of a crisis, requires a more forceful strategy to stop the activity. This is simply not desirable and the design of any operational plan, which is the norm in the Durham community, should take every precaution to avoid.

Thank you for allowing me to offer my unsolicited insight and opinions on this report. This past year I watched the country, other colleges and universities grapple with very similar events that occurred at UNH, which ultimately prompted this report. Ironically, I did not detect any single strategy that proved to be successful, and it appears that the smaller scale incident at UNH was no different.

Sincerely,

David Kurz



## TOWN OF DURHAM

8 Newmarket Road  
Durham, NH 03824  
Tel: 603-868-5571  
Fax: 603-868-1858  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

**AGENDA ITEM: #14**  
**DATE: March 17, 2025**

### **COUNCIL COMMUNICATION**

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR MARCH 3, 2025.**

**CC PREPARED BY:** Karen Edwards, Administrative Assistant

**PRESENTED BY:** Todd Selig, Administrator

**AGENDA DESCRIPTION:**

Attached for the Council's review and approval are the minutes for the meeting held on March 3, 2025. Please call or email Karen Edwards with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

**LEGAL AUTHORITY:**

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:

*"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of anybody or agency, or any subordinate body thereof, without exception."*

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby approve the Town Council meeting minutes for March 3, 2025. (as presented/as amended).*



# TOWN OF DURHAM

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Durham, NH 03826  
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AGENDA ITEM: **#16**

DATE: **March 17, 2025**

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Charter

**AGENDA ITEM:** ANNUAL APPOINTMENTS OF COUNCIL REPRESENTATIVES TO TOWN BOARDS, COMMISSIONS, AND COMMITTEES

**CC PREPARED BY:** Karen Edwards, Administrative Assistant

**PRESENTED BY:** Todd I. Selig, Administrator

### **AGENDA DESCRIPTION:**

Section 11.1, subparagraphs A-E of the Durham Town Charter addresses the procedure for appointment of Town Council representatives each year to various town boards, commissions, and committees. In addition to those appointments outlined in the Charter, there are other town working committees that Council representatives serve on for one-year terms.

### **CHARTER/ADMINISTRATIVE CODE-ESTABLISHED BOARDS**

Council representatives shall be made to the following standing Town Boards, Commissions, and Committees for one-year terms:

<u>COMMITTEE</u>	<u>COUNCIL REPRESENTATION</u>	<u>TERM EXPIRES</u>	<u>MEETING NIGHTS &amp; TIMES</u>
Cemetery Committee	3 reps.	03/26	As needed
Conservation Commission	1 rep.	03/26	4 <sup>th</sup> Monday of each mo./7:00 PM
Historic Dist./Heritage Commission	1 rep.	03/26	1 <sup>st</sup> Thursday of each mo./7:00 PM
Parks & Rec. Committee	1 rep.	03/26	4 <sup>th</sup> Tuesday of each mo./7:00 PM
Planning Board	1 reg. rep. 1 alt. rep.	03/26 03/26	2 <sup>nd</sup> and 4 <sup>th</sup> Wednesday of each mo./7:00 PM

**TOWN WORKING COMMITTEES**

Council representatives shall be made to the following Town working committees for one-year terms:

<u>COMMITTEE</u>	<u>COUNCIL REPRESENTATION</u>	<u>TERM EXPIRES</u>	<u>MEETING NIGHTS &amp; TIMES</u>
Agricultural Commission	1 rep.	03/26	2 <sup>nd</sup> Monday of each mo./7:00 PM
Energy Committee	1 rep.	03/26	1 <sup>st</sup> Tuesday of each mo./7:00 PM
Housing Task Force	1 rep.	03/26	2 <sup>nd</sup> Monday of each mo./10AM
Human Rights Commission	1 rep.	03/26	As needed
Integrated Waste Management	1 rep.	03/26	1 <sup>st</sup> & 3 <sup>rd</sup> Wednesday of each mo./8AM
Land Stewardship Subcommittee (subcommittee of the Cons. Commission)	1 rep.	03/26	2 <sup>nd</sup> Wednesday of each mo./8:30 AM

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Based upon appointment choices received from Councilors, attached is a slate of choices submitted by Council members indicating their selection(s) for appointments to various town boards, commissions, and committees. Once the Council has discussed and decided which Council members will fill the vacancies, a motion can be made to adopt the slate as presented or as amended.

**LEGAL AUTHORITY:**

Section 11.1, subparagraphs A-E of the Durham Town Charter.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby ADOPT the attached slate of Council member representatives to the various town board, commission, and committee vacancies as presented/amended.*

## COUNCILOR SELECTIONS FOR TOWN BOARDS & COMMITTEES - 2025

<u>Committee</u>	<u># of Council Reps.</u>	<u>Councilors Currently Serving</u>	<u>COUNCILOR REQUESTS</u>	<u>Meeting Nights &amp; Times</u>
Agricultural Commission	1 rep.	C. Register	<b>C. REGISTER</b>	2 <sup>nd</sup> Monday of each mo./7:00 PM/Council Chambers
Cemetery Committee	3 reps.	D. Ford E. Lund C. Register	<b>D. FORD E. LUND C. REGISTER</b>	As needed
Conservation Commission	1 rep.	W. Burton		4 <sup>th</sup> Monday of each mo./7:00 PM /Council Chambers
Energy Committee	1 rep.	E. Lund		1 <sup>st</sup> Tuesday of each mo./7:00 PM/Council Chambers
Historic Dist./Heritage Commission	1 rep.	E. Lund	<b>E. LUND</b>	1 <sup>st</sup> Thursday of each mo./7:00 PM/Council Chambers
Housing Task Force	1 rep.	H. Grant	<b>H. GRANT</b>	2 <sup>nd</sup> Monday each mo./10:00 AM/Council Chambers
Human Rights Commission	1 rep.	S. Needell	<b>S NEEDELL</b>	As needed
Integrated Waste Management	1 rep.	<b>VACANT</b>	<b>S. NEEDELL</b>	1 <sup>st</sup> & 3 <sup>rd</sup> Wednesday of each mo./8:00 AM/Council Chambers
Land Stewardship Subcommittee	1 rep.	D. Ford	<b>D. FORD E. FRIEDRICHS</b>	2 <sup>nd</sup> Wednesday of each mo./8:30 AM/Council Chambers
Parks & Recreation	1 rep.	J. Friedman	<b>J. FREIDMAN</b>	4 <sup>th</sup> Tuesday of each mo./7:00 PM/Council Chambers
Planning Board	1 reg rep. 1 alt. rep.	E. Friedrichs H. Grant	<b>H. GRANT E. LUND</b>	2 <sup>nd</sup> and 4 <sup>th</sup> Wednesday of each mo./7:00 PM