



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

## **AGENDA**

**DURHAM TOWN COUNCIL**  
**MONDAY, NOVEMBER 21, 2011**  
**DURHAM TOWN HALL - COUNCIL CHAMBERS**  
**7:00 PM**

**NOTE: THE TOWN OF DURHAM NEEDS 48 HOURS NOTICE IF YOU REQUIRE SPECIAL COMMUNICATION AIDS**

- I. Call to Order
- II. Approval of Agenda
- III. Special Announcements
- IV. Approval of Minutes - None
- V. Councilor and Town Administrator Roundtable
- VI. Public Comments (*NLT 7:45 PM*)
- VII. Unanimous Consent Agenda (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*) - None
- VIII. Committee Appointments - None
- IX. Presentation Items
  - A. Update on ORCSD budget and other school district issues - Leon Levesque, Superintendent, ORCSD
  - B. Annual Report of the Planning Board - Lorne Parnell, Chair
- X. Unfinished Business
  - A. PUBLIC HEARING AND ACTION ON RESOLUTION #2011-22 authorizing the acceptance and expenditure of \$10,000.00 in unanticipated revenue in the form of a grant from the New Hampshire Division of Historical Resources to assist in funding the cost of ongoing repairs to the Smith Chapel?

- B. Discussion of (a) possible Council-initiated amendments to the recently-adopted "Workforce Housing Option" and (b) possible amendments to the Durham Zoning Ordinance Table of Uses and the Table of Dimensional Requirements that would encourage the creation of workforce housing on existing properties in all zoning districts

**XI. New Business - None**

**XII. Nonpublic Session (if required)**

**XIII. Extended Councilor and Town Administrator Roundtable (if required)**

**XIV. Adjourn (NLT 10:30 PM)**



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: # **9A**

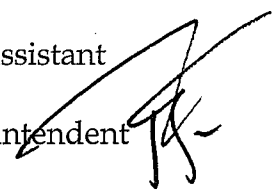
DATE: November 21, 2011

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Charter

**AGENDA ITEM:** RECEIVE UPDATE ON OYSTER RIVER COOPERATIVE SCHOOL DISTRICT BUDGET AND OTHER SCHOOL DISTRICT-RELATED ISSUES – LEON LEVESQUE, SUPERINTENDENT, ORCSD

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Leon Levesque, ORCSD Superintendent 

**AGENDA DESCRIPTION:**

ORCSD Superintendent Leon Levesque has been invited to attend the Town Council meeting Monday evening to provide Councilors with an update relative to the school district's budget as well as other school district-related matters.

COUNCILORS ARE ASKED TO PLEASE BRING THEIR COPIES OF THE SCHOOL DISTRICT BUDGET THAT WAS PROVIDED TO THE TOWN EARLIER IN THE FALL BY SUPERINTENDENT LEVESQUE.

**LEGAL AUTHORITY:**

Section 11.1 (I) of the Durham Town Charter.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

No formal action is required. Receive update from Superintendent Levesque relative to the ORCSD budget and other school district-related matters and hold question and answer session if desired.



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: # **9B**

DATE: November 21, 2011

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Charter

**AGENDA ITEM:** RECEIVE ANNUAL REPORT FROM PLANNING BOARD – LORNE PARNELL, CHAIR

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Lorne Parnell, Chair, Planning Board

**AGENDA DESCRIPTION:**

Section 11.1 (I) of the Durham Town Charter requires that the Town Council meet annually with all Chairpersons of standing Town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activities for the coming year.

Planning Board Chair Lorne Parnell will be present at Monday night's meeting to provide a brief update to the Town Council regarding current activities of the Board.

**LEGAL AUTHORITY:**

Section 11.1 (I) of the Durham Town Charter.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

No formal action is required. Hear presentation from Lorne Parnell regarding the Planning Board and hold question and answer session if desired.



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: **#10A**

DATE: November 21, 2011

## COUNCIL COMMUNICATION

**INITIATED BY:** Public Works Department

**AGENDA ITEM:** PUBLIC HEARING ON RESOLUTION #2011-22 AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF \$10,000.00 IN UNANTICIPATED REVENUE IN THE FORM OF A GRANT FROM THE NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES TO ASSIST IN FUNDING THE COST OF ONGOING REPAIRS TO THE SMITH CHAPEL

**CC PREPARED BY:** Michael Lynch, Public Works Director

**CC PRESENTED BY:** Todd I. Selig, Administrator  
Michael Lynch, Public Works Director

**AGENDA DESCRIPTION:**

The Smith Family Chapel, built in the 1900s in memory of the late Hamilton Smith, is a treasured landmark. Since being given to the Town of Durham in 1963, the Smith Chapel has been used for weddings and numerous other functions. The Town has been endeavoring to preserve the Smith Chapel by making a number of necessary repairs, including replacement of the slate roof and repair/replacement of the stained glass windows. In an effort to acquire funding to assist in the process of additional repairs for the Smith Chapel, the Town submitted an application to the New Hampshire Division of Historical Resources Conservation License Plate Grant Program and was awarded an unanticipated revenue amount in the form of a grant totaling \$10,000.00. In July of this year, the Town received a grant totaling \$6,681.00 from the Division of Historical Resources.

The remaining repairs to be made to the Chapel include: exterior/interior masonry, interior woodworking repairs, mold and mildew remediation, ventilation installation, and electric upgrades.

RSA 31:95-b III (a) states that for unanticipated moneys in the amount of \$5,000 or more, the selectmen or board of commissioners shall hold a prior public hearing on the action to be taken.

**LEGAL AUTHORITY:**

New Hampshire Revised Statutes Annotated (RSA) 31:95-b III (a) as noted above.

New Hampshire Revised Statutes Annotated (RSA) 31:95-b authorizes the Town Council to apply for, accept and expend, without further action by the town or village district meeting, unanticipated money from the state, federal or other governmental unit or a private source which becomes available during the fiscal year if they first adopt an article authorizing this authority indefinitely until specific rescission of such authority. On July 12, 1999, the Town Council adopted Resolution #99-19 granting this authority to the Town Council.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

2011 Capital Improvements Budget included \$71,000 for repairs to the Smith Chapel. Funds expended to date \$57,170.

Estimated remaining scope of repairs: \$13,000

N.H. Division of Historic Resources Grant: \$10,000.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION 1:**

*The Durham Town Council does hereby OPEN the Public Hearing on Resolution #2011-22 authorizing the acceptance and expenditure of \$10,000 in unanticipated revenue in the form of a grant from the New Hampshire Division of Historical Resources to assist in funding the cost of additional repairs to the Smith Chapel.*

**MOTION 2:**

*The Durham Town Council does hereby CLOSE the Public Hearing on Resolution #2011-22 authorizing the acceptance and expenditure of \$10,000 in unanticipated revenue in the form of a grant from the New Hampshire Division of Historical Resources to assist in funding the cost of additional repairs to the Smith Chapel.*

**MOTION 3:**

*The Durham Town Council does hereby ADOPT Resolution #2011-22 authorizing the acceptance and expenditure of \$10,000 in unanticipated revenue in the form of a grant from the New Hampshire Division of Historical Resources to assist in funding the cost of additional repairs to the Smith Chapel.*



**DRAFT**

## **RESOLUTION 2011-22 OF DURHAM, NEW HAMPSHIRE**

**AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF \$10,000.00 IN UNANTICIPATED REVENUE IN THE FORM OF A GRANT FROM THE NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES TO ASSIST IN FUNDING THE COST OF ONGOING REPAIRS TO THE SMITH CHAPEL**

**WHEREAS**, the Smith Chapel, located on Mill Pond Road, was built ca. 1900 by Alice Jennings Congreve Smith in memory of her late husband Hamilton Smith, Jr. who died on July 4, 1900; and

**WHEREAS**, the Smith Chapel, family cemetery, and adjacent park were given to the Town of Durham in 1963; and

**WHEREAS**, the Smith Chapel has become an important local historic landmark and serves as a reminder of the Hamilton Smith family and their philanthropic role in the turn-of-the-century development of the Town of Durham and the University of New Hampshire; and

**WHEREAS**, the Town is endeavoring to preserve the Smith Chapel by making a number of necessary repairs, including replacement of the slate roof and repair/replacement of the stained glass windows; and

**WHEREAS**, at the request of the Durham Historic District/Heritage Commission the Town Council adopted Resolution #2011-04 , dated February 21, 2011, endorsing the listing of the Smith Chapel on the National Parks Service's National Register of Historic Places; the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources; and

**WHEREAS**, in an effort to acquire funding to assist in the process of listing the Smith Chapel on the National Register of Historic Places the Town submitted an application to the New Hampshire Division of Historical Resources Conservation License Plate Grant Program and was awarded an unanticipated revenue amount in the form of a grant totaling \$6,681.00; and

**WHEREAS**, the Town has received an additional unanticipated revenue amount of \$10,000.00 in the form of a grant from the New Hampshire Division of Historical Resources; and

**WHEREAS**, New Hampshire Revised Statutes Annotated (RSA) 31:95-b authorizes the Town Council to apply for, accept and expend, without further action by the town or village district meeting, unanticipated money from the state, federal or other governmental unit or a private source which becomes available during the fiscal year if they first adopt an article authorizing this authority indefinitely until specific rescission of such authority; and

**WHEREAS**, on July 12, 1999, the Durham Town Council adopted Resolution #99-19 which grants this specific authority to the Town Council; and

**WHEREAS**, New Hampshire Revised Statutes Annotated (RSA) 31:95-b III (a) states that for unanticipated moneys in the amount of \$5,000 or more, the selectmen or board of commissioners shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held; and

**WHEREAS**, in accordance with Section 3.8 "Ordinances" of the Durham Town Charter a public hearing notice was published in *Foster's Daily Democrat* on Thursday, November 10, 2011 and was posted on the public bulletin board located outside the Town Hall, at the Durham Public Library, and at the Department of Public Works; and

**WHEREAS**, on Monday, November 21, 2011, a Public Hearing was held on Resolution #2011-22 by the Durham Town Council;

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt Resolution #2011-16 authorizing the acceptance and expenditure of \$6,681.00 in unanticipated revenue in the form of a grant from the New Hampshire Division of Historical Resources to assist in funding the cost of ongoing repairs to the Smith Chapel.

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

\_\_\_\_\_  
Diana Carroll, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Lorrie L. Pitt, Town Clerk



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

**AGENDA ITEM: # 10B**

**DATE: November 21, 2011**

## **COUNCIL COMMUNICATION**

**INITIATED BY:** Julian Smith, Councilor

**AGENDA ITEM:** DISCUSSION OF (A) POSSIBLE COUNCIL-INITIATED AMENDMENTS TO THE RECENTLY-ADOPTED "WORKFORCE HOUSING OPTION" AND (B) POSSIBLE AMENDMENTS TO THE DURHAM ZONING ORDINANCE TABLE OF USES AND THE TABLE OF DIMENSIONAL REQUIREMENTS THAT WOULD ENCOURAGE THE CREATION OF WORKFORCE HOUSING ON EXISTING PROPERTIES IN ALL ZONING DISTRICTS

**CC PREPARED BY:** Julian Smith, Councilor

**PRESENTED BY:** Todd Selig, Administrator

### **AGENDA DESCRIPTION:**

At its October 3rd meeting, the Council cut short discussion of the proposal to amend the zoning ordinance by adding a new Workforce Housing Option (WHO) section to "Article XIX. Conservation Subdivisions" and voted five to four to adopt that amendment as presented.

I would like the Council to consider amending the Workforce Housing Option by adding the Residential Coastal (RC) and Multiunit Dwelling/Office Research (MUDOR) districts to the "Applicability" section.

Why RC? Because continuing to exclude this district may leave the impression that the Council and the Town have a bias against workforce housing in the area where land prices tend to be highest, whereas inclusion is the ostensible goal. (The development of the WHO was facilitated through the Inclusionary Zoning Implementation Program, designed "to assist NH communities create and adopt inclusionary zoning ordinances.") In addition, there is a considerable amount of undeveloped open space in that district.

Re: Discussion on Possible Council-initiated Amendments to "Workforce Housing Option" and other Zoning Ordinance Amendments

Why MUDOR? Because much of that district is owned by UNH and requires a minimum lot size of 40,000 square feet, as opposed to the 150,000 required in Rural (R) and RC. If UNH is serious about helping to provide affordable housing near campus for faculty, staff, and married graduate students, the amendment I suggest would make the MUDOR district attractive to a developer for purchase and thus attractive to UNH for sale.

I also think that the Council should ask the Planning Board to clarify what is meant by the "Alternative Lot Sizing" section of the WHO, which stipulates that "The Planning Board may authorize variations from the minimum lot sizes and lot dimensions specified by standards of the underlying zone through the Conditional Use Permit . . ." That is, what range or limit of variation might be considered? Under what conditions?

Among possible amendments to the Table of Uses in our Zoning Ordinance, I would suggest including several new categories of use: "Workforce Housing Duplex," "Workforce Accessory Apartment," and "Workforce Housing Accessory Dwelling Unit." These new uses would, of course, require new definitions. In the case of accessory apartments and accessory dwelling units, it may also be useful to make changes to the performance standards and to amend the Table of Dimensional Controls.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

Hold discussion and decide whether or not to initiate amendments or recommend that the Planning Board do so.