

*Approved - May 18, 2011*

**Town of Durham  
Rental Housing Commission  
Special Meeting  
April 13, 2011  
4:00 pm  
Town Council Chambers**

**Members Present:** Sam Flanders, Kitty Marple, Brett Gagnon, Ann Lawing, Mark Henderson,

**Members Not Present:** Richard Peyser, Paul Berton, Andrew Freedman

**Public Attendees:** Deputy Police Chief Rene Kelley, Todd Selig, Karen Mullaney, Annmarie Harris, Robin Mower, James Lawson, Police Chief David Kurz, Deputy Fire Chief Steve McCusker, Jay Gooze, Diana Carroll, Cathy Maranaho

Chair Flanders called the meeting to order at 4:05 pm

I. Approval of the Minutes from the Prior Meeting

October 13, 2010:

*Kitty Marple MOVED to approve the October 13, 2011 minutes of the Durham Rental Housing Commission. This was SECONDED by Ann Lawing and APPROVED unanimously.*

March 2, 2011:

*Ann Lawing MOVED to approve the March 2, 2011 minutes of the Durham Rental Housing Commission. This was Seconded by Kitty Marple and APPROVED unanimously.*

Chair Flanders said this would be his last meeting as a member of the Rental Housing Commission. He asked the members to think about who they would like to have Chair the Commission after this month.

II. Reports from Town Representatives (Code Enforcement, Police, Fire, Town Administrator, other boards or commissions)

Chief Kurz, Police Department Report:

Chief Kurz reported that the spring season has begun and the police department has added additional officers to patrols with the goal of the police being more visible and more able to react to situations before they get out of hand. He said arrest statistics have been lower; academic year and calendar year statistics are down slightly. Chief Kurz said the goal is not to make arrests but to have compliance. He said Spring is not usually a major concern for the police department

because there is generally a desire by the students to finish up academically. He said Landlord concerns are down, though the number for responses are up since some calls have been proactive (people calling from rental units themselves to have people removed) which is precisely what we want. Chief Kurz said the Police Department has a very deliberately designed program that we are seeing the benefits of, but there is always more that can be done.

Mark Henderson asked for the Chief to discuss 32 Garden Lane. Chief Kurz said the data regarding police responses for that property for the quarter was up so he sent an email to the owner, but did not get an immediate response. He said he sent a follow-up email referencing the potential for implementing the Disorderly House Ordinance. Chief Kurz said the owner did respond to the follow-up and provided some suggestions and asked for the data regarding the responses (which went from 0 to 3 calls).

Chair Flanders asked what the nature of calls had been. Chief Kurz said two calls were regarding a disturbance, when officers responded it turned out to be several people outside smoking, the third occasion was an argument about someone wanting to remain at the residence and the residents of the building did not want the individual to stay so they phoned the police to ask for assistance. He said officers reported that they received complete cooperation when they responded to the property. Chief Kurz said the call reporting the individuals outside were anonymous so a follow up was not possible. He said he received a good response from the landlord who apologized for not responding the first time.

Annmarie Harris said she believes there have been numerous complaints over the years regarding parked cars, parties etc. at that address.

Robin Mower asked the Chief to speak to the point of non-specific apartments at given locations that have a high number of calls.

Chief Kurz said when a call is received reporting an incident at an unknown apartment in a complex an officer responds to the property and tries to isolate the issue and locate the apartment number that is referred to as a non-specific apartment.

Robin Mower asked the Chief if 4-8 calls are reported at an address without a specific apartment is there anything that can be done.

Chief Kurz said the owner of the property will still get noticed if there are responses to their property.

Jay Gooze said in looking through the report he noticed that there can be several calls to a single area or neighborhood at different residences. He said this would make it difficult for the residents of the area and suggested it would be good to find a way to improve this type of situation.

Kitty Marple asked if the Chief had a sense of how many calls from anonymous calls are from students.

Chief Kurz said the Strafford County dispatch center handles 20 communities, including Durham. He said the Police Department does not demand an identity to respond to a call and a lot of the calls are anonymous.

Annmarie Harris suggested combining the information from Tom Johnson and the Police Department to come up with a true picture of a property.

Chief Kurz said that some of the data being requested can be produced, but the department's personnel are occupied responding to calls. He said it would be nice to be able to provide all the data requested, but it will need to be paid for.

Martie Gooze asked if a volunteer could collate the information.

Chief Kurz said a volunteer would be able to collate the information. He said they attempted to get a volunteer once before and received no response.

#### Steve McCusker, Fire Department Report:

Deputy Chief McCusker said the Fire Department has not seen any drastic increase in medical or fire calls since the last meeting. He said he sent the Town Administrator information regarding the breakdown by demographic and gender of calls. Deputy Chief McCusker asked the members to keep in mind that the information is extracted from the reporting system for NH. He said the way the data is comprised, different portions can be extracted by specific properties, but it can be time consuming if it is not an automatic query and may be a cumbersome process to fulfill certain requests. He said while it may not be impossible it is almost impossible with the staffing available. Deputy Chief McCusker said he was able to isolate age and gender information by the predetermined breakouts of the system. Deputy Chief McCusker reported that for the period from 4/1/09 to 4/1/11 there were a total of 1599 calls; of those calls the combined age groups of 15-19 and 20-24 resulted in 616 calls or 39%; the 25-85 age groups resulted in 535 calls; and the unknown category resulted in 417 calls. There was a discussion regarding the "unknown category" and why the number was so large. It was thought that some of the "unknown" calls may have had information gathered from them by MacGregor Ambulance and not by the Fire Department. Robin Mower suggested that it would be helpful to attempt to attain that information from MacGregor Ambulance. She said it would be useful for the Town to know if there is a large percentage of calls occurring in a certain area of town.

Kitty Marple asked what the goal of attaining this information is. Robin Mower said she felt some of the data may be useful to the Rental Housing Commission, and noted that some of the information is beyond the scope of the RHC, but would be helpful information for the Town to have regarding allocating Town resources.

#### Todd Selig, Town and Code Enforcement Report: Code Enforcement Report:

Mr. Selig said Tom Johnson forwarded to the Commission a number of properties with reports of trash violations. Mr. Johnson responded to the properties and received response that they will be cleaned up. He will follow-up.

Mr. Selig reported that the part-time code employee has been hired as a regular part-time employee by another town, so he is no longer available. He said Tom Johnson is attempting to monitor properties, but has limited time.

#### Family Lives Here Campaign:

Mr. Selig said he contacted the town of Plymouth and discovered a local property owner paid and distributed the signs. He reported they gave Durham 45 of the signs and Durham is offering them to property owners that would like them. Mr. Selig said so far response for the signs has been limited. He said the town of Somersworth has expressed an interest in them and were sent some.

Robin Mower suggested placing the sign outside the Town Clerk's office where there is high visibility.

Mr. Selig then reported on more permanent signage for neighborhoods. He said he sent a list of potential neighborhoods to the members for their review. Mr. Selig said he would also appreciate comments on the image, wording and locations. He said the price per sign is \$100.

Chair Flanders asked if members had an opinion on the wording.

Kitty Marple said she thinks the signs are wonderful and asked who designed it. Mr. Selig said Mike Lynch designed the sign.

Karen Mullaney suggested installing the signs at the entrance to the neighborhoods.

Chair Flanders said he thought the signs should be visible at night when most of the issues occur. Martie Gooze asked if they could be neon. Mr. Selig said the \$100 price is not for a reflective surface and asked if the members wanted the sign to have a reflective surface.

The members discussed if this was necessary or appropriate and it was decided that most of the incidences would occur by pedestrians rather than motorists and therefore a reflective surface would not be necessary but suggested placing the signs near a light to make them more visible.

Kitty Marple suggested enlarging the size of the print of the phrase, "Please respect our property and your town."

Mr. Selig told the members to email him if they think of other locations for the signs.

#### Zoning Classification:

Mr. Selig said the possibility of changing the description of rental property from residential to commercial was brought up. He said they asked the Town Attorney for a legal opinion. He said Walter Mitchell said it would be unlikely that a court would find this to be a legal exercise of the zoning board.

#### Letter to residents and area realtors:

Mr. Selig said letters to area realtors and residents living in the central core have been sent out and will be repeated at the beginning of the next semester.

Annmarie Harris said she noticed there are now several new “for sale” listings in town. She asked if an additional letter could be sent to agents when there is a listing in town. Mr. Selig said if there was a volunteer to send notice of new listings to the town offices when they occur that would be possible. Annmarie Harris volunteered.

#### Advertising of Happy Hours:

Mr. Selig said since the Rental Housing Commission deals with noise complaints whose roots are found in alcohol issues he thought they would be interested in the House Bill to legalize billboard advertising for happy hours. He said they formed a coalition and went to Concord to testify against this bill and offered an alternative for them to consider; which was to allow a local “opt out” option. Mr. Selig explained that the local “opt out” option would continue to ban billboard advertising as long as the local governing body agreed to it. He said the “opt out” alternative has been included and is now going to the house. Mr. Selig said the process went through several iterations before getting any agreement.

#### Market Analysis:

Mr. Selig said the Economic Development Committee was presented a Market Analysis of Durham at their Monday meeting by Ian Colgan. He said the report will be on the website on Friday. Mr. Selig said the report contains a detailed analysis regarding housing.

## II. Comments from Commission Members

Chair Flanders said he would like to visit some actions items from past meetings. He noted there had been discussion regarding arranging a meeting with Coe Drive residents organized by Mr. Mulligan. Chair Flanders asked if progress had been made toward arranging a meeting. Mark Henderson responded that he not seen Mr. Mulligan to begin the process. Mr. Selig suggested invited suggesting Coe Drive residents to a Rental Housing Commission meeting. Jay Gooze suggested sending a letter asking them to attend the next Rental Housing Commission to give their comments. Mr. Selig said the town staff could send one to every resident on Coe Drive.

Jay Gooze asked if the house on Bagdad Road that was purchased a year ago is up for sale. Mr. Selig replied that the owner had phoned to speak with him several times over the past 9 months and they have moved because of noise issues. Mr. Selig said the owner understood that the Town was working to address issues, but decided that the neighborhood was not what he thought it was.

Chair Flanders asked if Paul Berton had discussed the Disorderly House Ordinance with the Durham Landlord Association. Mark Henderson said the DLA did have a meeting discussing the DHO and decided that they would not do anything further with it, until a member has something occur and they decide they want to challenge it.

## IV. Public Comments

Jay Gooze inquired about the attendance of the student representative and the rental representative. Ann Lawing said both students were unavailable for this meeting due to school commitments.

## V. Discussion of Durham's Plan for the Creation of New High Density Student Housing in Durham's Downtown Area

Chair Flanders said he was surprised to hear that a five-story building with a dedicated Laundromat and no parking had been approved. He said his concern is that having the whole downtown built with high density buildings may put pressure on landlords and pressure on nearby neighborhoods. Chair Flanders said the Town staff believes by building more rental property downtown the students will want to live there and not in the neighborhoods. He said he believes the students live in houses because they want to live where the property is not tightly managed. He said his concern is that it will have the opposite affect and as density increases downtown students living in those buildings will go to the rentals in the neighborhoods where there is not as much management.

Karen Mullaney said she read about this project and believes that the Town does not understand the concerns of the residents. She said she is concerned that the Economic Development Committee thinks it is a good idea for more students to live in the middle of town. Ms. Mullaney said she does not believe the town will be able to attract different businesses downtown if there is more student housing downtown.

Martie Gooze expressed her concern that concentrating student housing in the downtown limits will reduce the number of resident who will go downtown and frequent those businesses. She said she is concerned that the Planning Board and the Economic Development Committee only look at the effect to the tax base and not the other effects.

Kitty Marple noted that the Planning Board does provide residents the opportunity to speak.

Kitty Marple asked what size of a turnout there had been for the 9-11 Madbury Road public hearing. Robin Mower reported there were some people at the Public Hearing but not many spoke regarding the project. She said there has not been much input from the community regarding changes to the downtown, which makes it hard for the Planning Board. Ms. Mower said the Master Plan survey will be distributed soon and residents will be able to express their input through that process.

Mark Henderson asked when the market study will be available. Mr. Selig said it should be on the Town website by Friday.

Annmarie Harris suggested having a moratorium on projects until the Master Plan is revised. She said she feels projects are being approved and residents are exhausted from giving statements regarding these projects.

Jim Lawson reported that DCI presented an overview of the Market Study to the Economic Development Commission on Monday. He explained that it is not a market study and an implementation plan, but only a market study. Mr. Lawson said it is up to the Town how they want to move forward. He said it does present some information the town did not have in the past; such as information regarding the housing market, including the student housing market. Mr. Lawson said the report will be posted by Friday and be generally available.

Mark Henderson asked where the consultant gathered information regarding housing from. Mr. Lawson said the information was taken from a number of sources; the DLA, the University, and census data bases. He said when the Durham Tax Assessment data base numbers are reviewed they correlate with the numbers being stated by the consultant. Mr. Lawson said this was the first document he has seen that looks at housing, demographics, retail gap, household income without student data skewing the income. He said this report has a lot of information, but it is not a plan that states recommendations, that is for Durham to decide.

Mark Henderson asked if the data will show where student housing should be built. Jim Lawson said the data will show the size of the market, but not where to build student housing.

Mr. Lawson said he is aware there are challenges with mixed use developments, but there are also potential benefits. He said from discussions with bank and financial officials it is clear that housing has become an economic driver and allows developers to get access to funds. Mr. Lawson said many of the projects downtown had a difficult time enticing loaning institutions to consider their projects before having a housing aspect included in the project. He said the Town is starting to see the first opportunities from these types of developments at Jenkins court which now has restaurants with a community focus residing in the building and on the fourth floor has office space available. He explained that student housing is a driver that opens up financing. Mr. Lawson said eventually there will be a market saturation for housing in the downtown and as the lending environment improves there will be more opportunity for other types of businesses downtown. He said he is concerned about the quality of life aspect.

Chair Flanders said he would like to see input from this Commission get to the Planning Board in a predictable manner. He suggested that the Rental Housing Commission be asked to provide input on proposed new rental housing in the town of Durham.

Robin Mower suggested having a Planning Board representative to the RHC.

Jay Gooze said the Planning Board is different than most boards. He said the Planning Board deals with specific projects which have public hearings. Mr. Gooze said he feels there is ample opportunity for the Rental Housing Commission to come before the Planning Board to express their comments.

Chair Flanders suggested having the Planning Board solicit comment from the Rental Housing Commissions as part of their process.

Jay Gooze said he feels it should be done as part of the public process.

Chair Flanders said he feels the public process leads to burn out among some residents. He said he is looking for a formal process so town boards can hear the minority comments regarding the rental housing issue. Chair Flanders said some residents are tired of having to remain vigilant about new projects coming forward and attending meetings to defend their position. He reiterated that he feels a formal process is needed so different boards can understand what the feelings of the residents are in town. Chair Flanders said he feels input from the Rental Housing Commission can and should be solicited by the town boards.

Jay Gooze said he feels the Rental Housing Commission has been very engaged and has been listened to by the elected officials. He said there is an obligation from the Town Council to have the town run fiscally and economically. Mr. Gooze said there is a market for student housing in this town, but that the mix of students and non students does not work. He said this group needs to ensure there is sufficient buffer and protection for residents that are nearby the student market. Mr. Gooze said the Rental Housing Commission has done a good job of making its voice heard and there will be ample opportunity during the Master Plan rewrite process to express their comments. He said the five story building was allowed because of the way the property is situated – he said the building will not be out of proportion with other buildings in the area.

Robin Mower said she appreciates that the town is facing challenging times economically. She said she thinks a mechanism is an appropriate request and that it should not be up to a small group of citizens to keep watch on projects that come up that will have an impact on them. Ms. Mower said the parking study did not address concerns that downtown neighborhoods might be affected by spillover. She suggested communication from the Planning Board to the Chair of the Rental Housing Commission about upcoming projects to solicit feedback.

Annmarie Harris suggested widening who is “noticed” regarding projects. She suggested instead of “noticing” only abutters to projects, to notice nearby neighborhoods to projects.

Robin Mower said the “noticing” of abutters is a legal requirement; but expanding the “noticing” is an idea that should be looked into. She suggested that if residents were to receive a notice in the mail about a potential project it would help to garner comment.

#### VI. Continuation of Discussion of Voluntary Program to Approve Rental Properties through Cooperation of Town/Landlords

Mr. Selig said this program has not moved forward yet.

#### VII. Spring Clean Up – Town/UNH Collaborative Efforts

Chair Flanders said he would like to involve UNH in a spring clean-up effort. Brett Gagnon said UNH students will be participating in a campus clean-up on Friday April 22<sup>nd</sup>. She explained the effort is sponsored by the MUB. Ms. Gagnon explained that if there are enough volunteers some will be sent out to areas off campus. Chair Flanders thanked Ms. Gagnon. Kitty Marple said “Durham is where you live” has tried to sponsor a program where residents and students were invited. She said students showed up but no residents. She said it is an issue with people in town, not a UNH issue. Chair Flanders said he is trying to suggest cooperation between the two groups. Brett Gagnon said every year the clean up grows, she explained it starts at the MUB and works its way out.

Robin Mower suggested communicating with professional landlords and ask them to post notices in their buildings about the clean-up. Ms. Gagnon said they would do that.

#### VIII. Discussion of Changes in RHC Membership.

Chair Flanders asked for volunteers to Chair the Commission. Kitty Marple volunteered and the members of the Commission all supported her appointment to the Chair.



*Sam Flanders MOVED to appoint Kitty Marple as Chair of Durham Rental Housing Commission. This was SECONDED by Ann Lawing and APPROVED unanimously.*

IX. New Business or Other Business as Time Permits

None discussed at this meeting.

X. Confirmation of Next Meeting Date

The next meeting of the Durham Rental Housing Commission will be on May 18<sup>th</sup> at 4 pm.

Kitty Marple thanked Sam Flanders for his work as the Chair of the Durham Rental Commission.

Annmarie Harris said as a member of the public she would like to thank Sam Flanders for his efforts on behalf of the Durham Rental Housing Commission.

XI. Adjourn

The April 13, 2011 meeting of the Durham Rental Housing Commission adjourned at 5:50 pm.

Respectfully submitted by

Sue Lucius, Secretary to the Durham Rental Housing Commission