

These minutes were approved at the January 11, 2023 meeting.

**TOWN OF DURHAM
DURHAM PLANNING BOARD**

Wednesday November 9, 2022

Town Council Chambers, Durham Town Hall

7:00 pm

DRAFT MINUTES

MEMBERS PRESENT: Paul Rasmussen (Chair), Heather Grant (Vice Chair), James Bubar, Lorne Parnell, Sally Tobias (Council Rep), Chuck Hotchkiss (Alternate Council Rep); Arrived Late: Emily Friedrichs (Alternate), Richard Kelley

ABSENT: William McGowan, Barbara Dill (Alternate), Nicholas Germain (Alternate)

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

Chair Paul Rasmussen called the meeting to order at 7:00 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen called the roll and stated that Richard Kelley would be ½ hour late; 5-member quorum. Agenda Item 8, Adams Point Road, postponed to December 14 by request of applicant.

III. Approval of Agenda

Mr. Bubar MOVED to approve the Agenda as amended; SECONDED by Mr. Parnell; APPROVED 5-0, Motion carries.

IV. Town Planner's Report

Mr. Behrendt said 3 large items were finally completed and approved at the last Planning Board Meeting: Solar Ordinance (forwarded to Town Council), 74 Main Street, & Gerrish Drive Subdivision. Only project outstanding is 20 Adams Point Road 2-lot subdivision. He said tonight is the Housing Ordinance and he is working on an overhaul of the Subdivision Regulations.

V. Reports from Board Members who serve on Other Committees

Reporting from Town Council: Councilor Tobias said the Council met Monday night; most of meeting report from Trustees of Trust Funds and Cemetery Committee; Quarterly Finance Report by Gail Jablonski on target; Town Administrator Selig presented the FY2023-FY2024 Operating and Capital Budget.

VI. Public Comments

Janet Perkins Howland spoke on behalf of the Human Rights Commission (HRC) discussing housing as a human right and implications for diversity, equity, and inclusion. She said bias in housing codes and policies is the perfect place to test the anti-bias initiative and said HRC serves as an advisory on the impact of codes and proposes to work together on this initiative going forward to help increase communications between Town entities including the Housing Commission and the Planning Board.

Emily Friedrichs arrived at the Planning Board meeting and Chair Rasmussen seated her for Bill McGowan.

VII. Review of Minutes (old): September 28, 2022
Changes were sent to Karen Edwards.

Mr. Parnell MOVED to approve the Planning Board Minutes of September 28, 2022 as amended; SECONDED by Vice-Chair Grant; APPROVED 6-0, Motion carries.

VIII. Public Hearing - 20 Adams Point Road – 2-Lot Subdivision. 2-lot subdivision of 34-acre parcel at the southeast corner of Adams Point Road and Bay Road. Anthony and Natalie Diberto, owners. Chris Berry, Berry Surveying. Map 230, Lot 7. Residence Coastal District. (Timeframe extended to December 14).

POSTPONED TO DECEMBER 14

IX. Housing Amendments. Consideration of numerous amendments to the Zoning Ordinance proposed by the Durham Housing Task Force to enhance housing opportunities in Durham.
Recommended action: Discuss amendments. Schedule public hearing when ready.

Vice-Chair Grant said in 2019 Durham developed a Housing Task Force (HTF) Committee to look at housing challenges in the State and listed the Housing Task Force Committee members. She said she would look at the impact over the last few years including State Legislative updates, public comments, analysis, education, and John & Maggie Randolph Harmony Homes promoting affordable housing to address shortages.

Vice-Chair Grant said the Committee has done a lot of analysis and looked at Durham ADUs and condos, looked at benchmarking at Hudson Valley Affordable Housing Summits, listened to other communities and what they have done, attended Regional Housing Summit, and everyone involved in trying to understand the impact of the housing shortage. John and Maggie Randolph of Harmony Homes just broke ground on a development in Dover with 44 stand-alone small homes with 560 sq ft of land each; building more in a smaller area.

Vice-Chair Grant said infrastructure was discussed with DPW and the Town Administrator and Durham is not open to expanding water and sewer into new developments, but there is potential for community septic. She said the challenges of affordable housing prevent people moving to

the State to take jobs and contribute to the Town's economic growth and affect the ability of businesses to get employees because of housing; Durham needs additional housing options.

Vice-Chair Grant said student housing objectives in downtown were met in 2016 and Zoning adjustments in downtown have been accomplished but there is limited land available in the zone to support diverse housing needs. She said 44% of the land in Durham is under conservation, is UNH property, or has other restrictions. She said the Federal Government is looking at loans and building ADUs in communities across the country.

Richard Kelley arrived at the Planning Board meeting at approximately 7:37 pm.

Vice-Chair Grant said to reduce the trend of a declining number of young families Durham needs to provide more affordable single-family housing and increase employment opportunities. Affordable housing requires creative housing options and needs to complement single-family developments such as bungalows, row houses, and duplexes. Councilor Tobias said Durham needs a mix of different types of housing with more choices for first-time home buyers. Mr. Bubar said in the Midwest a certain number of duplexes and quads are required to get diversity.

Vice-Chair Grant said rents were rising all the way up to 2019 pre-COVID and challenges for rentals now are even greater and affordability in general is an issue. Councilor Tobias said housing stock diminished greatly in 2012 because of the recession and building stopped nationwide making availability more scarce. She said COVID opened such a demand for housing with people moving to quieter more rural areas and working from home. Median sales prices 2017-2019 were significant and after are skyrocketing; Housing Data & Workforce Housing Data point out affordability for workforce housing and list the 100% affordable purchase price as \$409,500 for this year.

Vice-Chair Grant said the Master Plan says to attract a broader range of people to live in Durham, the Town needs to create more diversity in housing choices; in order to do this, the Board needs to take the current zoning and alter it to support that goal with multi-family and single-family affordable homes which has to occur outside the downtown core. The packet of Zoning changes will see reduction in requirements for lot sizes for workforce housing; currently the Zoning has less density for workforce housing than for senior housing and they should at least be equal and has to be in the Zoning change by July of next year to help with housing shortages.

Vice-Chair Grant said affordable housing details show percentage of homes in the affordable range: 2019 18.6%, 2021 22.6%, 2022 19.4%. Vice-Chair Grant said there is only so much land left and asked how much of it should be what type of housing. She said the article talked about the cost of land putting up 1 home versus several, which should be less expensive. Councilor Tobias said there are State Grants with money as incentive for investors.

Vice-Chair Grant said many communities are serious about this crisis with money going into Invest NH; Councilor Tobias said \$49 Mil was just awarded to a developer, 1500 units with 950

workforce housing, to be completed in 2024. Mx. Friedrichs said the only way to know if denser housing will result in affordable housing is with workforce density bonuses. Councilor Tobias said not all housing built dense is affordable housing. Councilor Hotchkiss said a recent email from Dennis Meadows said that an increase in density will result not in affordable housing but will increase density of high-cost housing.

Vice-Chair Grant said the Committee looked at what is acceptable as an ADU, reviewed minimum lot sizes, and discussed the need to think of higher density in Conservation Subdivisions with 10 units on 1.5 acres. She said people moving in shifts because of lifestyle changes create opportunities for others as well. Councilor Tobias said the Committee looked at if building 15 houses on a plot of land, why not build 20 instead and making it easier to build housing with incentives for affordability.

Mr. Kelley asked if it is legal to put a restriction on the sale price of the houses to quality for density bonuses. Councilor Tobias said if they are built as workforce housing then yes; faculty neighborhood is a good example. Mr. Kelley said the faculty neighborhood is served by Town water and sewer, and Vice-Chair Grant said shared wells and community septs can be done; Mr. Bubar added shared geothermal wells at a significant savings and voiced concern about property tax increases without commercial development. Mr. Kelley said at some point there will be a limit to the Town's economic growth. Mx. Friedrichs said younger people are moving into New Hampshire since 2016, and people are needed to work and provide services to support a community of retired individuals and balance community needs.

Chair Rasmussen said the big decision for the Board tonight is to decide what the plan is going to be to move this forward. A Public Hearing will be needed at some point and the Board agreed that they would not go through the document and make modifications before the Public Hearing. Mx. Friedrichs suggested the Board separate out workforce housing because by State law workforce density will come into effect in the next 7 months.

The Board discussed possible dates for the Public Hearing. Chair Rasmussen said November 30 was set aside to do zoning and it makes sense to start the Public Hearing on that date. The Board can work on it December 14, do some work in January, and have another draft ready for February, and to the Town Council in March.

Mr. Kelly MOVED the Planning Board schedule a Public Hearing for proposed amendments to Zoning Board pertaining to housing for November 30, 2022; SECONDED by Vice-Chair Grant;

Mr. Behrendt requested the start of the Public Hearing be moved to December 14 as people will be complaining. Councilor Hotchkiss suggested the Public Hearing be opened on November 30 but not closed. Mx. Friedrichs asked that enough time be given to other boards/committees who may want to consider other parts of Zoning that may need to be amended to work with these changes. Chair Rasmussen said every committee gets to weigh in just as members of the public.

MOTION Vote: 7-0, Motion carries.

Chair Rasmussen said there are 4 things he wanted to hear pros and cons on back from the community. (1) Should subdivisions in RA be required to be of a conservation type; RAs are areas already identified as wanting to be dense and are they really providing density in RAs by forcing Conservation Subdivisions everywhere or not; he said he is not sure how many lots would actually qualify to be Conservation Subdivisions in RA.

(2) Section 175-107 H requires Common Open Space to be distributed across multiple zones; so if doing a Conservation Subdivision and it crosses zone boundaries, the conserved land should be weight-averaged across the two zones which seems counter-productive to goals: would the Board not want conservation land in the Rural Zone and put more development in RA and RB.

Mr. Kelley said the suggestion there is that prime Conservation Land tends to be where it is, and knows no boundary between RA and RB, and throw out the requirement to distribute. Mx. Friedrichs said under Conservation Subdivision, B applicability, the recommendation is already to not require Conservation Subdivisions in RA and RB. Chair Rasmussen said except under 175-39 Residence A District (RA) part B says the opposite: all residential subdivisions shall be developed as Conservation Subdivisions in accordance with Article 19.

(3) Why do garages need to be 2 ft behind the principal building instead of flush or slightly forward which applies to attached and undetached? Mr. Behrendt said that is for aesthetic purposes. (4) Need a reasonable definition of undergraduate students for zoning. Mx. Friedrichs said the priority for workforce housing would be for people who are working at least half-time. Chair Rasmussen said the Board needs a definition. Mr. Behrendt said because this would be a density bonus it would be an option for a developer; without this provision workforce housing could be occupied by undergraduates.

Chair Rasmussen asked the Board if they had any questions they would like answered by the community. Councilor Tobias said she had a question for the Housing Task Force about how the Board will be proceeding with this: rewrite it or add suggestions that could be integrated. Chair Rasmussen said the Board is initiating this and should provide a final written form to forward to the Town Council.

Mx. Friedrichs asked why the proposal does not include any amendment to parking requirements and asked why the Board is not looking at eliminating minimum requirements and letting the market decide parking regulations. Chair Rasmussen said in his mind housing without parking is student housing and said the Town does not have a viable mass transit system to get people where they need to be. Mr. Behrendt said parking is in Site Plan Regulations and allows for flexibility; but there are requirements for the Central Business District.

Vice-Chair Grant said they are seeing a lot of smaller groups of homes niched into neighborhoods. Mr. Bubar said he has seen economic diversity addressed through the use of residential hotels

which are prohibited in Durham. Mr. Behrendt said Boarding Houses would be great and could fit in Durham and be accepted. Mr. Parnell said mobile homes are also not allowed in Durham as low-income housing; Mr. Behrendt said they are only allowed on individual lots. Mr. Parnell said there will be things that happen as this issue is discussed that will not be well-received in the community.

Mx. Friedrichs said the Zoning Ordinance does define boarding and rooming houses as being owner-occupied and there has been some success with the short-term leasing ordinance. Councilor Tobias said there should be more short-term residential housing as a stopgap. Councilor Hotchkiss said it seems the Board is moving more toward conditional use as a regular thing. Mr. Parnell said the Board talks about streamlining CU but a lot is being put in and said once CU is put in on possible future investment, people are not going to come; have to be thinking in terms of getting rid of CU because of its difficulty and the subjectivity of it.

Mx. Friedrichs asked how these changes would benefit current residents and the cost-benefit of changes and lifestyle impact on Durham. Mr. Parnell said changes in setbacks will affect existing homeowners. Chair Rasmussen said it is subjective and personal for each person. He said the term "discretionary zoning" is something everyone should be familiar with and relates to the Human Rights Commission. He said the State rule was that if you applied zoning and it made 20% of property already developed illegal that was exclusionary zoning.

Mr. Kelley said part of the changes being proposed were the general dimension standards and calculations of useable area and asked if the thinking there was to create more developable area. Vice-Chair Grant said when going forward with a Conservation Subdivision how much more land do you have for building more houses; it is about adding enough homes while still protecting the environment.

Chair Rasmussen asked if the HTF actually reviewed the maximum impervious surface ratios, and Vice-Chair Grant said they did not. Chair Rasmussen said with allowing very small lots, how big of a house can actually fit on that lot and still have front setbacks. He said the Board might want to look at whether the 33% maximum impervious surface ratio would still make sense while reducing size of lots by 50%.

X. 2023 Planning Board Schedule

XI. Other Business

Mr. Parnell said this was probably his last Planning Board meeting and said he discussed with Michael his intention when he signed up, but stayed on because of large, controversial projects he participated in. He said he will also resign from the Traffic Safety Committee which has a meeting coming up in early December. Chair Rasmussen said when the meeting is scheduled on the calendar the Board will send someone as representative. Vice-Chair Grant volunteered to do the December meeting.

XII. Review of Minutes (new): October 12, 2022

Changes sent to Karen Edwards.

Chair Rasmussen MOVED to approve the minutes of the Planning Board Meeting of October 12, 2022 as amended; SECONDED by Mr. Parnell; APPROVED 7-0, Motion carries

XIII. Adjournment

Mr. Parnell MOVED to adjourn the Planning Board Meeting; SECONDED by Councilor Tobias; APPROVED 7-0, Motion carries.

Chair Rasmussen adjourned the meeting at 9:29 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker

Durham Planning Board