

Karen Edwards

From: Michael Behrendt
Sent: Monday, February 24, 2014 12:16 PM
Subject: ORLI/MUDOR Zoning Changes - comments from Van Asselt

To the PB and TC,
FYI.

Michael Behrendt, AICP
Director of Planning and Community Development
Town of Durham
15 Newmarket Road
Durham, New Hampshire 03824-2898
(603) 868-8064 (phone)
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mbehrendt@ci.durham.nh.us
www.ci.durham.nh.us

From: VANASSELT@aol.com [mailto:~~VANASSELT@aol.com~~]
Sent: Monday, February 24, 2014 11:48 AM
To: Todd Selig; Michael Behrendt
Subject: Proposed ORLI/MUDOR Zoning Changes

Michael and Todd: Please forward this memo to members of the PB and TC. Thanks.

TO: Michael Behrendt and Durham Planning Board
Todd Selig and Durham Town Council

From: Karl Van Asselt, 17 Fairchild Drive (vanasselt@aol.com)

RE: Proposed ORLI/MUDOR Zoning Changes

After reading the summary in the Friday Updates of the "rational" for the proposed ORLI/MUDOR zoning changes, I encourage the Planning Board (and Town Council) to carefully consider several other issues related to this proposed change.

I believe removing the options of single-family homes, duplexes, and multi-unit dwellings in the ORLI/MUDOR zones will eliminate some potentially highly-desireable developments in those zones, developments that could be significant and positive for Durham's future.

Student Housing. I do not think there is convincing evidence that "Durham may be nearing the point where the supply of student housing has caught up with the demand" and "the goal of encouraging new multi-unit housing in the community has been achieved." Councilor Lawson has developed some

current housing data, including some projections of student apartments in single family homes (data the town does not have available), and that helps. However, thousands of UNH students continue to reside in neighboring communities - students who might be interested in living in Durham and adjacent to the campus.

The student housing developments in the ORLI/MUDOR zones has been successful and just three years after approval (with success) why should it be changed so quickly? Capstone, Perry Bryant's units and others have been well-received by students and the community. The Peak Development will likely enjoy similar success. There may be a demand in the future for more student housing and being eliminated in an area which has been accepted by most residents needs to be considered.

I make no judgement about the statements that have been advanced by supporters of the proposed change. Some supporters for this change simply do not want more student housing in Durham. I'm not sure that position works for people who elect to live in a college community. Others have stated they do not believe there should be student housing in the town's gateways. Still others are residents who rent rooms or auxiliary apartments to students and have concerns that new student housing desired by students might eliminate or reduce their rental income. Residents are certainly entitled to these opinions; however, are they in the best interest of the community and the basis to make the zoning change?

Other Housing. Of equal concern is what types of housing developments are being eliminated other than student housing, developments which could be extremely beneficial to Durham. Many of these developments will not work in other zones as currently defined. These include:

1. **Affordable Housing.** There have been many discussions but little action to create affordable housing in Durham - housing with rents below the market rates for people who work in Durham. Developments in these zones could provide that opportunity.
2. **Residential Homes.** So many new and creative developments are happening in communities and this closes the door on those possibilities. For example, planned unit developments with small lots and open space and conservation land. Why eliminate those possibilities?
3. **Elderly Care Facilities.** Spruce Woods has been a success, particular the main lodge for elderly residents in need of 24-hour care. Clearly a housing need for aging residents who desire to remain. Durham residents.
4. **Creative Housing.** Many new ideas with the increasing number of people who now work almost exclusively from home. For example, an intriguing development is the building of town houses with the tenant having an in-house office on the ground floor and living quarters on the second floor. These are people who work 90+% from home and do not have walk in clients, e.g., fee accountants, auditors, writers, artists, IT workers, managers of computer networks, jobs in the legal profession, etc.

Commercial Development and Light Industry. Certainly a priority need for the future growth of Durham and its tax base and this area has been so designated. This should remain a priority for the ORLI/MUDOR zones but it can be developed with workers living within the zone with the proper type of housing. Why eliminate housing from locations within the zone where jobs will be created? In addition, leaving the zones for just those uses (commercial and light industry) means that those who object to such developments in the town's gateways must be resisted by current and future town boards. There clearly is room for smart growth in these zones - a mix of developments for the betterment of the community and an expanded non-single family home tax base.

I appreciate your considering the above issues in the deliberation of these proposed changes.

Karen Edwards

From: Michael Behrendt
Sent: Monday, February 24, 2014 12:22 PM
Subject: FW: Proposed Amenments to the Durham Zoning Ordinance - comments from Shaw

To the PB and TC,
FYI.

Michael Behrendt, AICP

Director of Planning and Community Development
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From: Pshawdurham@aol.com [mailto:Pshawdurham@aol.com]
Sent: Monday, February 24, 2014 11:23 AM
To: Michael Behrendt
Subject: Proposed Amenments to the Durham Zoning Ordinance

I am writing to comment on the proposed amendments to the Durham Zoning Ordinance initiated by the Durham Town Council affecting the ORLI and MUDOR Districts. I understand that there will be a Public Hearing on the matter on February 26, 2014. I am unable to attend that meeting but ask that my comments be incorporated into the record.

I have reviewed the Town Planner's Recommendations for changes to the Town Council's proposed amendments and urge the Planning Board to incorporate those changes into the proposed amendments, approve them, and pass them along to the Town Council for fine-tuning.

We have seen potential agricultural land taken by the massive student housing development known as "Peak" on Mast Road. This precious land is forever gone from potential agricultural use which may well become a critical need in our future. We seem to be focusing on immediate monetary gain for the few and losing sight of the longer view of our community's needs. We also seem to be ignoring the saturation factor, that there is already enough student housing approved by the Planning Board to satisfy the demand. What will become of all this housing when and if there is no longer a demand? Will the developers sell to the University, thereby removing this housing from our tax base? Even though there have been assurances that none of the student housing developments underway will, individually or collectively, significantly impact traffic, or town services and resources, I hope that the Planning Board will give serious consideration to this matter and insist on objective, reliable data to assist you in your deliberations thereof

Thank you for hearing my concerns and, as always, for your incredibly difficult and time-consuming work on the Board.

Sincerely,
Pamela H. Shaw
101 Madbury Rd.
Durham, NH

Karen Edwards

From: Michael Behrendt
Sent: Monday, February 24, 2014 1:28 PM
Subject: FW: Proposed Amendments to ORLI/MUDOR - comment from J Bubar

To the PB and TC,
FYI.

Michael Behrendt, AICP
Director of Planning and Community Development
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From: James Bubar [mailto:james@bubar.org]
Sent: Saturday, February 22, 2014 9:17 AM
To: Michael Behrendt
Subject: Proposed Amendments to ORLI/MUDOR

Michael,

As to the comment in the Friday Town Notes: "The primary rationale for these proposed zoning changes is that with the large number of beds added to Durham's housing stock in the last several years (both downtown and on the outskirts), Durham may be nearing the point where the supply of student housing has caught up with the demand."

I don't believe that it is appropriate for a Planning Board, Town Council or any other legislative body to presume that it knows how best to respond to essentially an open market, entrepreneurial economic decision. As a rule, for profit enterprises do not invest money in losing causes, and as a rule our economic system has allowed enterprises to do just that. Darwin's principal will sort them out (unless they are Banks). Planned economic societies have not fared well over time and I don't think we should begin to do just that.

Furthermore, the only group directly benefiting from this proposed change appears to be the residential based historic rental property owners who are having difficulty renting their properties when confronted with more modern facilities.

The group(s) directly suffering from the potential of this proposed change are the students who would greatly benefit from an over built situation, if that were the case, and resulting price competition (basis of our economic system), us regular taxpayers suffering from the high property tax burden who could benefit by the additional increase in taxable base from the addition of more student housing, as well as local retail businesses that should see increased sales as more and more students reside in Durham instead of Dover or Portsmouth.

I have no problem with banning single family and duplexes from being constructed anywhere in Durham as they tend to bring with them children and the incremental cost of the resulting increased school taxes is far above the incremental increase in property taxes generated by the new construction. It should be noted that this is a personally biased comment that would benefit me directly, albeit everyone else currently owning property in Durham as well. There is no net positive economic value to Durham from the additional construction of single family homes and duplexes. What is the minimum property tax valuation on a single family home necessary to support the school tax assessment to Durham for two additional children? Student housing rarely, if ever, comes with additional Public School age children.

As to: "... the rationale for the proposed zoning changes is "to better align the zoning in the districts with the purpose of commercial development creating employment and office space, noting that the goal of encouraging new multi-unit housing in the community has been achieved."

I don't believe there is anything in the current zoning that precludes "commercial development creating employment and office space" from occurring in these districts if there ever would be any demand. We have a vacant development site off Route 4 and other commercial land available off Route 108, where is the demand? Are there instances of businesses saying they wanted to build in Durham but couldn't find land?

This initiative seems to be directed at preventing growth in Durham while being couched in business friendly terms to promote economic development when it is fairly certain that none will occur. A stocking horse, so to speak.

As a matter of disclosure; I have no interest/investment in any rental property in Durham or elsewhere. I am retired, never had any school age children and attempt to shop in Durham whenever I have the courage to venture out amidst the chaos that is navigating Durham's streets.

James A Bubar
4 Old Piscataqua Road
Durham

Karen Edwards

From: Michael Behrendt
Sent: Monday, February 24, 2014 1:31 PM
Subject: MUDOR thought - comments from Gsottschneider

To the PB and TC,
FYI.

Michael Behrendt, AICP
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From: Richard Gsottschneider [mailto:~~richard@van-rich.com~~]
Sent: Monday, February 24, 2014 1:16 PM
To: Michael Behrendt
Subject: Re: MUDOR thought

I have two existing duplexes , and one triplex, in this zone, and would not appreciate them becoming non conforming uses. This type of change would adversely impact my ability to sell the property, if i choose to do so, and will also cost me more in insurance premiums. However, i totally understand the desire to cut down on future large scale development. Is there not some type of compromise that can be reached, rather than going from one extreme position to another? For example, why not just increase the minimum lot area from 1, 500 sq. ft. per unit to something larger, like 5,000 sq. ft. ?

yes, i am happy to have my thoughts shared with the planning board and town council. thanks, Dick

Richard Gsottschneider
Van Rich Properties, LLC
277 Mast Road
Durham, NH 03824
603-868-1616
www.VanRichProperties.com

From: Michael Behrendt <mbehrendt@ci.durham.nh.us>
To: Richard Gsottschneider <richard@van-rich.com>
Sent: Monday, February 24, 2014 12:30 PM
Subject: RE: MUDOR thought

Hi Dick,

I think there is support for single family but I'm not sure about duplexes. I think retaining single family makes sense but not duplexes (My comments are attached). We'll see on Wednesday. Do you want me to forward your email to the Planning Board and Council? Do you want me to include you in my emails about Planning Board meetings? Regards.

Michael Behrendt, AICP

Director of Planning and Community Development

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From: Richard Gsottschneider [<mailto:richard@van-rich.com>]

Sent: Monday, February 24, 2014 9:25 AM

To: Michael Behrendt

Subject: MUDOR thought

Hi Michael; there seems to be a lot of sentiment to retain single family and duplex housing in the MUDOR zone, given that the majority of units north of Main Street Extended are owner occupied. I support this sentiment. One possible solution is to change the density requirements per unit within this zone north of Main Street, and for the small amount of MUDOR land south of Main Street to craft a different solution, including possibly changing this zone to another category.

Richard Gsottschneider

Van Rich Properties, LLC

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Durham, NH 03824

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www.VANRICHPROPERTIES.COM

Karen Edwards

From: Michael Behrendt
Sent: Tuesday, February 18, 2014 9:34 AM
Subject: Zoning amendment - MUDOR and ORLI - comment from Nancy Webb

To the PB and TC,
FYI.

Michael Behrendt, AICP

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From: Nancy Webb [mailto:████████████████████@ci.durham.nh.us]
Sent: Monday, February 17, 2014 7:15 PM
To: Michael Behrendt
Subject: Proposed zoning changes to MUDOR and ORLI

February 17, 2014

Dear Members of the Durham Planning Board,

Because we will be out of town for the February 26 Public Hearing on the proposed zoning changes to MUDOR and ORLI, we would like to submit this letter in advance.

We are writing in support of the proposed changes. Councilor Lawson's report on student housing supply and demand makes it clear that once Madbury Commons is built, Durham will have completed the demand for student housing. We would hate to see the little remaining agricultural land along Mast Road needlessly be used for more student housing.

We urge you to recommend the proposed changes to the Town Council on February 26.

Thank you.

Sincerely,

Nancy Webb

Ernie Nichols

Karen Edwards

From: Michael Behrendt
Sent: Monday, February 17, 2014 12:27 PM
Subject: Zoning amendment - email from Dick G

To the PB and TC,
FYI.

Michael Behrendt, AICP
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From: Richard Gsottschneider [mailto:~~richard@van-rich.com~~]
Sent: Friday, February 14, 2014 5:42 PM
To: Michael Behrendt
Subject: Re: question

i am in favor of keeping single family and duplexes , eliminating the big multi-family stuff.....most of the houses in the neighborhood that we are in are owner occupied single family , with a few duplexes.....the location is suited for that, too far removed from street traffic for any type of commercial or industrial, and also the land is fragmented in ownership with lots of wetland.....

Richard Gsottschneider
Van Rich Properties, LLC
277 Mast Road
Durham, NH 03824
603-868-1616
www.VanRichProperties.com

From: Michael Behrendt <mbehrendt@ci.durham.nh.us>
To: Richard Gsottschneider <richard@van-rich.com>

Karen Edwards

From: Michael Behrendt
Sent: Monday, February 17, 2014 12:10 PM
Subject: FW: email - enough

To the PB and TC,
FYI

Michael Behrendt, AICP
Director of Planning and Community Development Town of Durham
15 Newmarket Road
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-----Original Message-----

From: Freedman, Diane [mailto:diane.freedman@durhamnh.gov]
Sent: Sunday, February 16, 2014 11:22 PM
To: Michael Behrendt
Subject: enough

As a longtime citizen now of Durham and appreciator of the rural edges of town, I object to any further residential development, period. The recently approved structures in the downtown Durham area, the density of student housing, the look of the Cottages, too, are all appalling to me. Long-term there will be fewer students physically attending the UNH campus. We have enough infrastructure. Indeed, we have too much and exceptionally ugly building going on both for residences and commercial-retail. Where is the Town's insistence on greenways around and through such developments? What about space between buildings for the pedestrian travel the Town is always extolling? The infill, the heights, the density, the designs, and the road narrowings all make me feel the Town is not fulfilling its part of community responsibility. All efforts should be made to plan and contain rather than build a huge Town Hall and give up the old and attractive Town Hall parcel, rather than build a library that could and should have been still part of the UNH library, rather than spend so much time, money, human power, and policing on new meters, places, parking patrol.

My twenty-five cents.

Karen Edwards

From: Michael Behrendt
Sent: Thursday, February 13, 2014 2:25 PM
Subject: Zoning Amendment ORLI - feedback from resident Karl VanAsselt

To the PB and TC,
FYI.

Michael Behrendt, AICP
Director of Planning and Community Development Town of Durham
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-----Original Message-----

From: Todd Selig
Sent: Wednesday, February 12, 2014 9:05 PM
To: Michael Behrendt
Subject: FW: Zoning Change - feedback from resident Karl VanAsselt

Dear Michael,

For your information.

Todd

Todd I. Selig, Administrator
Town of Durham, NH

T. 603.868.5571 | www.ci.durham.nh.us

On 2/12/14, 12:10 AM, "Karl Van Asselt" <vanasselt@ci.durham.nh.us> wrote:

>Todd,

>

>The zoning change to the Office Research makes no sense.

>Conditional is important.

>

>I am working with a developer wants to do 20 plus townhouses. Bottom

>1500 square feet office. Top 1500 square feet living space.these are

>people who work 90% at home. A creative use of Office Research space.

>Three comonmunities want them. Environmentalists love it. Conservation

>supports. Real property taxes! Why would we shut them out?

>

>This fits your idea of a Stanford of the East!

>

>Karl

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Karen Edwards

From: Michael Behrendt
Sent: Wednesday, February 12, 2014 1:06 PM
Subject: Madbury Commons - email

To the PB (and app),
Please see Ellen Karelitz's email below.

Michael Behrendt, AICP
Director of Planning and Community Development
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From: Ellen Karelitz [mailto:ellen.karelitz@durhamnh.gov]
Sent: Wednesday, February 12, 2014 5:44 AM
To: Michael Behrendt
Subject: Madbury Commons

Dear Michael, I will not be able to attend tonight's public hearing on the Madbury Commons design and the proposed changes so I wanted to shoot you a quick note so my opinion is on record.

I am disappointed by the way the design has evolved. Because the Town is so invested in the project now that the IOL is committed to occupying the first floor, I feel the developer is taking the opportunity to wiggle around the "agreements" we had concerning occupancy limits and requirements. We are being "suckered" into accepting more students, in less space and have lost most of the amenities that would have made the project attractive and user friendly for the community. I am not sure that the advantage of the IOL will completely compensate for these changes.

Putting on a different hat, as a member of the Agricultural Commission I want to underline our support for changes to zoning as it pertains to potential farmland in the ORLI district. We need to protect the agricultural soils that remain in Durham for future food production. We no longer need a crystal ball to predict that food shortages will be an issue. We need only turn on the news to see pictures of empty shelves in grocery stores in the South and to hear about the significant drought in California. While we may never be *without* food completely, it is very possible that we will find it harder to obtain enough fresh fruits and vegetables and healthy protein at prices that people can easily afford.

Thank you and the Planning Board for all your time and effort. I know it has been and continues to be a challenging time.

Sincerely, Ellen Karelitz

Karen Edwards

From: Michael Behrendt
Sent: Wednesday, February 12, 2014 12:57 PM
Subject: Zoning Amendment - ORLI and MUDOR - email in support

To the PB and TC,
FYI.

Michael Behrendt, AICP

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From: Katie Ellis [REDACTED]
Sent: Wednesday, February 12, 2014 12:10 PM
To: Michael Behrendt
Cc: Ti Crossman
Subject: Support for zoning changes

I'm sorry to be a few minutes past noon, but would like to let the Planning Board know that I support the proposed zoning changes initiated by the Town Council. I cannot come to the meeting tonight, but wanted to share my support. I hope the Board will do what it can to move these changes forward.

Public Hearing - Amendments to the Durham Zoning Ordinance pertaining to ORLI and MUDOR Districts. Initiated by the Town Council, as follows:

- 1) Change Single-Family Residential use in the Office Research Light Industry and Multiunit Dwelling Office Research Districts from a Conditional Use to Not Permitted;*
- 2) Change Duplex Residential use in the Office Research Light Industry and Multiunit Dwelling Office Research districts from a Conditional Use to Not Permitted;*
- 3) Change Multi-Unit Residential use in the Office Research Light Industry and Multiunit Dwelling Office Research districts from a Conditional Use to Not Permitted; and*
- 4) Change Mixed Use with Residential use in the Multiunit Dwelling Office Research District from a Conditional Use to Not Permitted.*

Thank you,

Katie Ellis
26 Coe Drive
Durham
868-5655

Karen Edwards

From: Michael Behrendt
Sent: Wednesday, February 12, 2014 1:01 PM
Subject: Zoning Amendment - ORLI and MUDOR - email from Firczuk in favor

To the PB and TC,
FYI

Michael Behrendt, AICP

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From: Kathryn Firczuk [mailto:kathryn.firczuk@durhamnh.gov]
Sent: Wednesday, February 12, 2014 6:57 AM
To: Michael Behrendt
Subject: zoning changes

My husband and I live on 4 Daisy Drive in Durham and we support the changes to the zoning ordinance. We have been disappointed with the student housing and retail development that has been occurring and welcome the opportunity to protect the town from further unwarranted change.

Thank you for all of your time and effort...It is greatly appreciated....

Is it helpful to attend the meeting this evening even if you do not intend to speak?

With sincere gratitude,
Kathryn and Michael Firczuk
4 Daisy Drive
Durham, NH 03824-3212
1-603-868-7236

Karen Edwards

From: Michael Behrendt
Sent: Wednesday, February 12, 2014 11:52 AM
Subject: Zoning Amendment - ORLI and MUDOR - email from Suzy Loder

To the PB and TC,
FYI

Michael Behrendt, AICP

Director of Planning and Community Development
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From: Suzanne Loder [mailto:suzanne.loder@durhamnh.gov]
Sent: Wednesday, February 12, 2014 11:04 AM
To: Michael Behrendt
Subject: Change of zoning in ORLI and MUDOR

Dear Michael and Members of the
Durham Planning Board,

I strongly support the proposed changes to the zoning ordinance regarding making Single Family Residential, Duplex Residential, Multi-Use Residential, and Mixed Use Residential not permitted in the ORLI and MUDOR zones.

As a former resident of ORLI on Mast Road I am devastated by the present visual change to this entrance to Durham. As a continued resident and taxpayer of Durham I cannot imagine adding further development of this kind will be an improvement to the Town, mitigate our taxes for more than a few years if any, and/or make a significant contribution to future needed infrastructure, whether police, fire, water, or sewer. We need balance. Too much of ANY kind of development will have a negative effect on some aspect of our community.

Please approve these changes. Thank you.

Suzy Loder
38 Oyster River Road

Karen Edwards

From: Michael Behrendt
Sent: Wednesday, February 12, 2014 10:57 AM
Subject: Zoning Amendment - email in support

To the PB and TC,
FYI.

Michael Behrendt, AICP
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-----Original Message-----

From: Alix Handelsman [mailto:alix.handelsman@townofdurham.com]
Sent: Wednesday, February 12, 2014 10:44 AM
To: Michael Behrendt
Subject: zoning changes

Mike,

We cannot attend the Planning Board meeting tonight, but want you to know that my husband and I STRONGLY support the zoning changes that are on the agenda.

Thanks,
Alix

Alix Handelsman
Drew Christie
47 Canney Rd.

FEB 11 2014

To: Michael Behrendt
Cc: Todd Selig/Durham
Subject: comments relative to the proposed rezoning of the MUDOR district
Planning, Assessing
and Zoning

Hello Michael;

I am writing because I am against the proposed rezoning of the MUDOR district, where we own two acres of land and three small buildings. I am requesting that these comments be distributed to each member of the planning board and the town council, since I will not be able to attend the meeting this Wednesday evening. I also request that this memo be read into the minutes of the planning board meeting on the 12th of February, 2014.

I am not familiar with all of the land that encompasses the MUDOR district, so my comments are specifically directed to the land that is north of the UNH Mast Road parking lot and which abuts Mast Road Extension and Spinney Lane.

The following summarizes my concerns:

1. This portion of the MUDOR zone contains less than 30 acres, and is mostly single family houses. In fact, there are 6 single family houses in the zone, along with the three duplexes we own. Each of these houses sits on two to three acres of land, with one exception, this being the parcel owned by the Potters, and their parcel is at least one half wetland. In fact, much of the land in this zone is wetland. So from a practical point of view, very little development could actually occur.
2. The locational attributes of the land in this portion of the zone is such that the land could never be used for commercial or industrial or office usage, it is simply too far off the beaten path. However by being immediately adjacent to the UNH campus, it is perfectly suited for housing. If you take that right away, the land will eventually go to the University, because you will have eliminated virtually every other viable use, other than a possible parking lot.
3. By removing residential usage as an allowed usage, you are making all the existing property, which is residential, a non-conforming use. This may result in an increase in the insurance premiums for many of the people in the zone, and may also make financing more expensive.
4. We have invested a considerable amount of money around 12 years ago paying for a sewer line extension to our two acre property. This line was then deeded over to the town. We have since spent some money building two new student housing buildings, and renovating a third building, all the while keeping our unit designs within the spirit of a single family neighborhood. We still have land left for at least one or two new duplex buildings, unfortunately we did not have the money that the large scale developers have to build out our entire project at one time. If this rezoning takes place, we will be unable to complete our project. Also, if this rezoning takes place I feel the town is backing down on informal agreements it made with us, when 12 years ago the town was desperate for new investment and Jim Campbell was knocking on our door constantly.

I understand why the Town is now trying to shut down new development in the MUDOR zone, there has been too much development of student housing. However it is unfair to suddenly change gears and adversely impact long term residents who have made sizeable investments in their property. The net effect of what is being proposed is a "taking" and will adversely impact the long term value of all property within this zone.

Richard Gsottschneider
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