

Karen Edwards

From: Michael Behrendt
Sent: Thursday, March 27, 2014 11:59 AM
Subject: Zoning amendments - comments from Glanz

To the PB and TC,
FYI. (This was submitted yesterday prior to the public hearing being closed so I am sending this to the Planning Board.)

Michael Behrendt, AICP
Director of Planning and Community Development
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15 Newmarket Road
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From: Fil Glanz [mailto:fglanz@durhamnh.com]
Sent: Wednesday, March 26, 2014 5:49 PM
To: Michael Behrendt
Subject: Planning Board meeting of March 26

Greetings,

My wife and I are in support of the proposed amendments to adopt RB standards for MUDOR and R standards for ORLI. The area under consideration is mostly rural in character, and should be protected as such. CERTAINLY the areas under consideration should NOT have student dorms such as the several already constructed and others already approved in Durham. There is much information about the future of universities (including UNH) regarding the potential drop in the number of students going to university. The number of jobs for university graduates has diminished and the number of jobs for two or three year programs after high school has gone up. This leaves the possibility that private dorms will not fill up at UNH leading to lower tax revenue for Durham. We hope the planning Board has studied that aspect of the building of more large private student dorms!

Thank you for considering our views on this subject.

Filson and Shirley Glanz
25 Orchard Drive
Durham, NH

Karen Edwards

From: Michael Behrendt
Sent: Wednesday, March 26, 2014 1:43 PM
Subject: Zoning amendment - comment from H Smith

To the PB and TC,
FYI.

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

From: Henry M Smith [mailto:henry.smith@durhamnh.gov]
Sent: Wednesday, March 26, 2014 1:13 PM
To: Michael Behrendt
Subject: Dim. stan. mudor/orli

RE: Proposed Amendment to Change Dimensional Standards of MUDOR
and ORLI

Dear Members of the Durham Planning Board:

I would like to voice my strong support for the proposed amendments to MUDOR and ORLI. Removing multi-units and duplexes from these zones to reduce the incentive to build more student housing is, I believe, a very good move, especially because we don't need more student housing.

If the Planning Board chose to recommend allowing single-family homes as a Conditional Use, I would support the proposed changes to the dimensional standards.

In keeping with the Principles of Smart Growth, I agree with applying the RB 40,000 sq. ft. standards to MUDOR (which is closer to town) and the R 150,000 sq. ft. standards to ORLI, which is furthest away from town. In addition, much of the land in ORLI is either along our Rt.

155A agricultural stretch or along Rt. 4, important, lovely gateways into our fair city. These areas are on the outskirts of town and are predominately rural in character, thus the appropriateness of R dimensional standards. We certainly should not allow them to be densely developed.

Since there are some large tracts of land in ORLI, we also need to make sure the dimensional standards do not encourage more neighborhood style student housing, as we have seen with Capstone and Peak. Adopting the R standards for ORLI and the RB for MUDOR will address this potential incentive. Please: Let's stop this folly in its tracks, now!

Thank you!

Sincerely,
Henry M. Smith

Karen Edwards

From: Michael Behrendt
Sent: Wednesday, March 26, 2014 2:36 PM
Subject: Zoning Amendments - comment from N Sandberg

To the PB and TC,
For your interest.

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

From: Nancy Sandberg [mailto:nancy.sandberg@durhamnh.gov]
Sent: Wednesday, March 26, 2014 1:03 PM
To: Michael Behrendt
Subject: Fwd: Comments on Residential Uses and Density in MUDOR and ORLI Districts

>>> Dear Michael,
>>>
>>> Kindly pass on my comments to the PB since I am unable to come to speak at the public hearing Wednesday night.
>>>
>>>
>>> To the Planning Board:
>>>
>>> I am very concerned about our Z.O. as it applies to use and density requirements of the MUDOR and ORLI Districts because the densities are so much greater than in nearby residential districts. Therefore I support the Town Council initiated amendment to increase the minimum lot size to 40,000 sq. ft. in the MUDOR District because it mimics the dimensional controls in the RB zone. The 150,000 sq. ft. minimum lot size in the ORLI District fits much better the size and nature of the R rural zone. It does not do the Town any good to keep the current zoning which encourages ghetto-like developments near residential areas with much larger lot sizes.
>>>
>>> In terms of uses in MUDOR and ORLI Districts, I ask that single family homes not duplexes be permitted.
>>>
>>> Thank you for your consideration.
>>>
>>> Nancy Sandberg
>>> 15 Langley Road
>>
>

Karen Edwards

From: Michael Behrendt
Sent: Wednesday, March 26, 2014 4:34 PM
Subject: Zoning amendment - comments from Frolking and Wicklein

To the PB and TC,
FYI.

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

From: Steve Frolking [mailto:steve.frolking@durhamnh.gov]
Sent: Wednesday, March 26, 2014 6:48 AM
To: Michael Behrendt
Subject: comment on Town Council amendment concerning residential density in MUDOR and ORLI

Dear Mr. Behrendt and Durham Planning Board,

We would like to communicate my support for the recent Town Council amendment to modify residential density dimensional standards in the Multi-Unit Dwelling/Office Research district to match the Residence B, and in the Office and Research and Light Industry district to match Rural, while maintaining their commercial zoning status. We don't believe that the new high-density neighborhoods sprouting up in Durham (e.g., The Cottages and Peak) serve the community well, and given trajectories in student enrollment, there is no reason that the town of Durham, as opposed to an individual property owner, would want more of them.

Sincerely,

Steve Frolking & Joanna Wicklein
240 Packers Falls Rd.

Karen Edwards

From: Michael Behrendt
Sent: Wednesday, March 26, 2014 2:49 PM
Subject: Zoning Amendments - comment from J Carroll

To the PB and TC,
FYI.

Michael Behrendt, AICP

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From: Carroll, John [mailto:john.carroll@ci.durham.nh.us]
Sent: Wednesday, March 26, 2014 9:53 AM
To: Michael Behrendt
Subject: zoning code amendments on PB Agenda

Dear Michael and Planning Board,

The tightening up of the zoning code on tonight's PB agenda returns our zoning to the better place it was in just a very few years ago, and is itself an important step toward new urbanism, a planning model I know you respect. We don't want or need more spread of construction across the landscape in ORLI and MUDOR, and we certainly don't want higher density multi-family residential housing in those areas. Concentrate density at the core, in downtown, and in existing RA and RB, protecting and maintaining the remaining lower density in MUDOR, ORLI. and Rural.

Andres Duany, for whom I know you and other planners have high regard, tells us,

"By bringing most ordinary daily activities within walking distance, those who do not drive (usually the young, the old, the poor, and the principled) gain independence. This satisfies the basic right to get around one's neighborhood and city even without being forced to own an automobile. The young, below the legal driving age, are no longer dependent on adults for their social needs. Nor must they be bused to schools

or isolated at home.

Seniors may continue to live independently, rather than being consigned to specialized retirement communities.

By providing appropriate building concentrations at easy walking distance, public transit becomes a viable alternative to the automobile. By reducing the number and length of necessary automobile trips, traffic congestion is minimized, the public expense of infrastructure is limited, and air pollution is reduced.

The possibility of not owning an automobile provides a virtual subsidy that can be applied to housing costs. There is no more organic way to increase affordability."

Andres

Duany, 2011

The zoning in ORLI and MUDOR which we had until recently, and now need to return to, is the way to go, strengthening that new urbanism in which I know you believe. Our Town Council's good effort, and particularly the highly respected work of Councilor and Planning Board member Jim Lawson, works in this direction. It will protect Durham and the quality of life in Durham long into the future.

John Carroll

March 26, 2014

Dear Members of the Durham Planning Board,

I regret I am unable to attend tonight's public hearing on the amendments to MUDOR and ORLI. Please accept my comments via email.

I urge you to support the Town Council-initiated amendment before you **as is** to adopt RB dimensional standards for MUDOR and R standards for ORLI should single-family homes be permitted (**as a Conditional Use**).

Having more dense RB development just beyond the center of town and less dense R development at the outskirts of town is aligned with the principles of sustainability and Smart Growth. Additionally, since much of ORLI falls along our gateways and is open fields (and agricultural land), recommending this amendment as presented by the Town Council is critical to preserving our rural character and agricultural heritage by reducing incentives to build dense residential neighborhoods on our remaining farmland.

Once Madbury Commons, Orion, and Peak are built, and students move out of our residential neighborhoods, we should have plenty of available housing for young families at affordable prices. We don't need to create incentives to build more!

Please recommend this proposed amendment to MUDOR and ORLI **as drafted** to the Town Council.

Sincerely,

Jim Jelmborg

PS I support allowing single-family homes in these zones with the proposed dimensional standards, but not duplexes or multi-units.

Karen Edwards

From: Michael Behrendt
Sent: Friday, March 14, 2014 1:25 PM
Subject: MUDOR amendment

To the PB and TC,

Please see James Bubar's email below. If the Planning Board and Town Council move forward with the amendments, in some fashion, it might make sense to append to the amendment an appropriate change to the MUDOR district.

Michael Behrendt, AICP

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From: James Bubar [redacted]
Sent: Friday, March 14, 2014 12:53 PM
To: Michael Behrendt
Subject: RE: Planning Board - preliminary agenda

Michael,

Does MUDOR stand for Multiunit Dwelling Office Research?

If so and the proposal is to not permit any residential development in that district then why aren't you changing the name to Office Research or something that is more descriptive of the Planning Board's intent for that part of Town?

James A Bubar

Karen Edwards

From: Michael Behrendt
Sent: Wednesday, March 12, 2014 3:14 PM
Subject: MUDOR and ORLI District Changes

To the PB and TC,
Please see Karl Van Asselt's email below.

Michael Behrendt, AICP

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From: VANASSELTA@aol.com [REDACTED]
Sent: Sunday, March 09, 2014 10:25 PM
To: Michael Behrendt; Todd Selig
Subject: MUDOR and ORLI District Changes

March 9, 2014

TO: Michael Behrendt, Planning Director
Todd Selig, Town Administrator

FROM: Karl Van Asselt, 17 Fairchild Drive (868-6353)

RE: Zoning Changes - MUDOR and ORLI Districts

NOTE: I ask that this memo regarding the proposed zoning changes be forwarded to the Planning Board and to the Town Council. Thank you.

Michael,

I appreciate you forwarding me information on the additional changes being considered for the MUDOR and ORLI districts. I also have a copy of Mr. Lawson's letter to Mr. Wolfe and the "Town Planner's Recommendations" of February 26, 2014.

I expressed reservations at the last PB meeting that the long-term significance of these drastic changes needs further discussion and more information is needed. These are major town

policy proposals and need more study, more data, and the advice and opinions of people who have been involved in some of the possible developments being proposed for exclusion from these districts is needed.

Opinions have been expressed by a few residents about these changes, but they are just their personal opinions on what they "think," what they would "like to see," and how they "perceive" the current state of student housing in Durham. In the interest of full disclosure, what I am about to write are also just my opinions. I believe all of these opinions need to be weighed against information that is has not been brought forward and/or discussed.

My basic premise is that the sweeping change from "Conditional Use" to "Not Permitted" for Duplex Residential, Multi-Unit Residential, and Mixed Use with Residential should not be adopted at this time. I believe all three should remain as a Conditional Use. I address the Single-Family Residential below.

I encourage the PB to reject the above zoning changes for the following reasons and leave such developments as an option for the future.

1. Multi-Unit Residential. The focus and discussions of this change have been on additional student housing in the two districts. An argument made in your TP's Recommendation (and that a few TC members have stated) is that this will be harmful to the community, will not have as positive a fiscal impact as earlier projects, and will result in vacancies in older projects, What is the basis for this argument? What evidence is there that another project similar to The Cottages will not be successful and that the existing facilities will not continue to work? The answer is that there is no evidence.

For many years some Durham residents have argued that UNH students must be removed from the traditional residential neighborhoods. These developments - The Cottages, Riversedge, Mr. Bryant's properties, and the Park Development - contribute to that expressed desire. Why would we remove similar possible developments as a Conditional Use in the districts? The projects have worked from the standpoint of student living and finances, and the horror stories of traffic and police and fire demands have not resulted.

The contention is made that the recent developments have contributed to "sprawl." The definition of "sprawl" as it relates to development is subjective. To many a well-designed complex behind woods and a cemetery, is not considered sprawl. A nicely designed and maintained student complex along Old Concord Road is not considered sprawl to many.

Some who argue for these changes in possible student housing contend that we have enough student housing in Durham and more new facilities (in addition to what has been approved in the downtown) will only result in vacancies. Others argue that we are already saturated, that Durham is "over-built." There is absolutely no evidence to support that position. I (like others engaged in this discussion) do not know the current demand and the future student housing demand. However, it is clear that a large percentage of full-time UNH students have over the years found apartment living in neighboring communities. Perhaps a large percentage of those students would welcome a chance to live in Durham if desirable apartments are available. I find it ironic that those who contend traffic would be a problem with more students in the MUDOR and ORLI districts ignore students traveling from surrounding communities. Future UNH enrollment is unknown. However, UNH is a large business and its number one clients are students. It is likely that UNH will continue to make every effort through creative strategies to maintain and expand its student body. It is unlikely student housing demand is going away.

The 4-5 recently approved student housing projects in the core downtown area will create additional student housing options. I do not understand why in your recommendations you contend that future development of a Madbury Commons and another project such as The Cottages cannot co-exist and both be successful. Again, there is no hard data to support that contention. I would contend that the lack of redevelopment of several buildings on Main Street is not due to the concern over lack of student rental interest. There is an audience of students for virtually every kind and location of student housing. There are other reasons and creative actions the town can take to help make that happen.

With this "Not Permitted" proposal for Multi-Unit Residential, ignored are developments for other than student housing which might be brought forward which would be desirable as part of the Durham community. For example, there are areas in the two districts for an affordable housing complex - a goal of the current TC which is being ignored with this proposal being brought forward. Such a complex is not permitted in the residential or rural zones, there is little space in some of the other zones, and the current dimensional requirements in others for such a development would discourage a developer (and make it financially impractical). Again, leaving the option with a "Conditional Use" makes sense.

2. Duplex Residential. The assumption here is that duplexes would only be developed for student rentals. How is that assumption supported? The TP's Recommendations also state that "contemporary duplexes are often developed in an unattractive manner." And the basis for that statement? Last month I visited a complex of new duplexes (built on small lots with surrounding open space and a neighborhood park) for working families. Affordable and clearly smart growth. Why should that be denied as an option in the districts? And the statement is made that lower income populations often live in duplexes (basis?) and they should be built closer to services. And where would those meet with approval in Durham? Church Hill? Coe's Corner? Courthouse? Leaving that as an option for ORLI and MUDOR as currently written makes sense.

3. Mixed Use with Residential. If the town is going to continue to allow office research and light industry facilities in the MUDOR and ORLI, why would we exclude residents who might work there from living adjacent to the facilities? No one knows if this type of a proposal might come forward - a proposal for a combination of an office research complex and nearby living, but why eliminate that possibility by changing the zone to Not Permitted? At the last PB meeting I mentioned the concept of a development of townhouses with an office on the first level and living quarters on the second floor. The work at home population continues to increase and this is a most innovative and creative type of development. Again, leaving opportunity for these types of developments through Conditional Use makes sense for these districts.

4. Single-Family Residential. Conservation subdivisions for a variety of reasons would make sense in a more open district such as ORLI and MUDOR. The issue that has now been brought forward by the TC and must be carefully debated and considered is the changing of the dimensional requirements. There are a couple of very significant issues and they will have major implications for certain types of developments that might fit the districts.

First, there is the recent TC submission to the PB and the assumption that the minimum useable areas and dwelling unit area in Residence A, B, and C and rural districts are the correct standards and so what is being proposed is to just pick a couple (40,000 square feet and 150,000 square feet). There is no support that these numbers, adopted several years ago, are the desired numbers for today's thinking of new developments.

Smart growth principles should be an a part of conservation subdivisions and this requires that lot sizes and the dwelling area needs to be carefully considered. Many creative designs for subdivisions have been advanced and built in recent years and they include small (very small) lot sizes for single homes with a premium on open space, green space, recreation facilities, etc., as part of the subdivision. There are shared alleys behind the houses for entrance to garages located behind the homes. There is land held in common behind the dwellings ... developments which defy a set of dimensional requirements being proposed for a conservation subdivision in these districts.

Again, I do not propose to have the answers to this single family residential change. But clearly considerable work is needed to explore all options.

I appreciate the opportunity to submit these ideas to the PB for consideration as the deliberations of these proposed changes continue. This is really not just a "zoning change." What is proposed by the TC to the PB is a major policy change, a policy change that is not supported by data and information that is needed.

Karl Van Asselt

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vanasselt@aol.com
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