

— “MIXED USE WITH RESIDENTIAL”: IN DURHAM, IT EQUALS STUDENT HOUSING —

January 6, 2022

Planning Board
8 Newmarket Road
Durham, NH 03824

Re: Mill Plaza Redevelopment. 7 Mill Road. Continued review of application for site plan and conditional use for mixed-use redevelopment project, drive-through facility for bank, and activity within the wetland and shoreland overlay districts. Colonial Durham Associates, property owner....Central Business District. Map 5, Lot 1-1.

Dear Members of the Board,

Colonial Durham’s proposal to add residential housing to the Mill Plaza constitutes a dramatic change and intensity of use for the site. These changes in use triggered site plan review and, with an application for “Mixed Use with Residential” in the Central Business District, a Conditional Use Permit review.

Historical evidence in Town documents, on-the-ground experience (both in Durham and across the country), and logic lead to these equations:

- A. “Mixed Use with Residential” in Durham, a small college town = student housing
- B. Young people on their own + alcohol often leads to disruptive behavior (as it often does in college towns across the country; see table showing historic data for Durham police calls for service to professionally-managed student housing as well as Exhibit II.)
- C. Disruptive behavior by this age group does not belong in or near family neighborhoods
- D. IF allowed, student housing abutting a family neighborhood requires strong mitigations

Planning Board members presumably are already aware of media coverage and Durham’s own “Friday Updates” notices that support equations B and C, above. Joshua Meyrowitz has documented disruptive behavior both in downtown Durham and its likely spillover onto the Faculty Neighborhood. Equation D presents a challenge that must be covered by carefully considered, detailed, and explicit Conditions of Approval.

Focusing on equation A, to borrow a phrase from the courts, I submit into evidence (attached):

Exhibit I: Email titled “Student Housing – Questions,” from Town Planner Michael Behrendt to the “PB and TRG” (Planning Board and Technical Review Group), in which he forwards his prior email to David Beauchesne, Senior Planner, City of Manchester, and Lucy St. John, planner in New London; dated December 23, 2014.

More on that email and on the history of Durham’s zoning related to multiunit student housing and specifically “mixed use with residential” will follow, below.

Colonial Durham’s intention to build “student housing” has been clear from the get-go

Despite Colonial Durham’s early near-acrobatic attempts to avoid using the term “student,” it has always been clear that, following in the footsteps of other “Mixed Use with Residential” downtown developers, its intent is to design housing to appeal primarily, if not entirely, to college students.

The **2015 Settlement Agreement**—signed by both the Town of Durham and Colonial Durham Associates—memorializes that intent by including **the term “beds,”** used across the country in college-town real estate to refer to student housing capacity. (As one nonstudent Durham resident pointed out, the alternative use of the term “beds” tends to be for nursing homes.)

Subsequently, the May 31, 2016 **Technical Review Group** meeting about the Mill Plaza proposal drew back the curtain:

Steve Cecil, Cecil Group [site designer]: This is not student housing, it is rental housing.
Police Chief Dave Kurz: You may say that, and bless you. But my world says something different. It's going to be student housing.

Colonial Durham's application for a Conditional Use Permit for Mixed Use, Revised and Re-submitted on January 2, 2020, proposes “construction of not more than **330 residential beds** for the entirety of the Mill Plaza site”—again, **using a term that underscores the target rental customer as a student, i.e., the intent to rent to students.**

Two years later, the **Planning Board Chair further confirmed** that intent at the [December 8th, 2021 meeting](#) in an interchange [about 2:07:45 on the DCAT recording] that was not captured in the official minutes:

Beth Olshansky: “We’re not gonna pretend that there aren’t going to be students there, is that correct, or young people drinking, is that correct?”
Chair Rasmussen responded: “I would expect that the bulk of people living there are going to be students. Yes.”

Chief of Police affirms understanding that CDA wants to build student housing

On October 11, 2016, former Police Chief Dave Kurz wrote to Town Planner Michael Behrendt:

Re: Mill Plaza – Commercial/Student Housing

After reviewing the Conceptual Plan for Mill Plaza for the renovation and new construction of a commercial and student housing complex located on Mill Road in the Mill Plaza abutting College Brook I have the following initial comments:

Student Housing

I have attended and observed a number of meetings as this proposal has morphed into a multi-level complex with the student housing located to the northeastern portion of the property. While I have consistently been supportive of the concept of housing UNH students in appropriate locations within Durham, this segment of the property is the more appropriate location abutting the Orion and Grange properties which are currently student housing.

and concludes (emphasis added):

The continuous addition of students living in the downtown area, even with well-managed oversight, presents challenges for the Durham Police Department. While my comments regarding the Mill Plaza proposals may sound somewhat negative, this is not my intent. **It is my overt design to convey that the age group that will be residing in this complex present inherent policing challenges to a small police agency.**

The Chief wrote again to Michael Behrendt on June 25, 2018:

After reviewing the Redevelopment Plan for Mill Plaza I have the following comments:
again concluding with an acknowledgement of the residential age group:

The continuous addition of students living in the downtown area, even with well-managed oversight, presents challenges for the Durham Police Department. It is hope [sic] that I have adequately conveyed that the age group that will be residing in this complex present inherent policing challenges to a small law enforcement agency such as Durham.

On November 16, 2019 Chief Kurz sent his third memo to Michael Behrendt: “Re: Mill Plaza Redevelopment Commercial/Student Housing,” repeating his earlier comments and again concluding (emphasis added):

Even a well-managed property will have an impact upon policing services. However, it is my opinion and aspiration that a complex of this nature with the housing located in the most appropriate location of the property may assist in lessening **ancillary challenges with conflicting lifestyles of students and residents.**

It is when this collision occurs that there is increased demand for police presence straining limited resources.

“Lessening ancillary challenges:” Demand for police response to even better-sited (not abutting family neighborhoods, e.g., Cottages, Lodges, Orion), professionally-managed student housing apartment buildings continues. More on that below.

Town Planner email encapsulates planning and student housing

As noted above, in December 2014, Town Planner Michael Behrendt wrote to city planners in Manchester and Keene about Durham’s experience with student housing. The initiating email was also sent to the Planning Director in Keene—another college town.

In his email, Michael detailed the history of student housing in Durham and ways that Durham has tried to address both downtown’s economic and student-behavioral challenges, including through zoning. (Note that although Michael referred in his email to “multifamily,” at the time the word was not used in either the above version of the zoning ordinance; nor was it in subsequent adoptions.)

The 2014 zoning ordinance—in which Colonial Durham’s Mill Plaza application is vested—included the following definition:

“MIXED USE WITH RESIDENTIAL (OFFICE/RETAIL DOWN, MULTIUNIT RESIDENTIAL UP) – A building in which the first floor is used for office or retail or similar non-residential uses and the upper floor(s) is used, in whole or in part, for multiunit residential use. (Zoning Ordinance last amended June 16, 2014)

Michael’s email (Exhibit I) irrefutably lays out the case that, in Durham, the zoning ordinance “use” defined as “mixed use with residential (office/retail down, multiunit residential up)” equals student housing.

Zoning history: “Multiunit” / “Multi-unit” = student housing.....

Decades of planning documents reflect that the term “multiunit” or “multi-unit” typically is a stand-in for student housing. For example, the **2000 Master Plan’s chapter on Tax Stabilization** includes the following:

Multi-Unit/Student Housing

...Multi-unit housing, often referred to in Durham as “student housing,” is not designated exclusively for students. Non-students, families, and children are not and cannot legally be excluded. However, the location, character, and number of bedrooms in projects targeted for students are, in most cases, not suitable for persons with children....Multi-unit housing must be carefully sited, planned, designed, and managed.

ZONING ORDINANCE/LAND USE REGULATIONS RECOMMENDATIONS

9. Durham should encourage development of private, multi-unit housing designed for students in areas close to UNH facilities. In addition, multi-unit housing designed for students should be located away from residential neighborhoods and in clusters that would permit better monitoring by police and fire officials. Requirements should be put in place that stipulate any multi-unit development over a certain number of units, which is generally student housing, must have an on-site manager.

Zoning history: “Mixed use with residential” = “student housing

Eventually, Durham’s zoning caught up with both the benefits and the concerns inherent in student housing—even when combined with commercial uses. The zoning use “Mixed Use with Residential”—a fairly recently approved use and the definition for which uses the word “multiunit”—was intended to incentivize commercial growth downtown through the lure of student rental apartments on upper floors, with the hope that eventually nonstudent residential tenants might also move in.

“Mixed Use” as a zoning term first appeared in the 2006 ordinance. In August 2006, “Mixed Use with Residential” was changed from a Permitted Use to a Conditional Use for the Professional Office district at the request of abutting families in response to their experiences with student behavior.

In August 2008 the Town Council approved two zoning amendments. Minutes from the August 18, 2008 meeting state that the discussion regarding Ordinance 2008-14, which lowered the minimum lot area per dwelling unit in the Central Business (CB) district:

Chair Niman said there was some confusion about what this proposed Zoning change was trying to accomplish. He said the idea was to motivate landlords to redevelop their properties, and create a better downtown with less student turmoil associated with it. He said the rationale behind this proposal was that if students were in better living situations, and felt they were getting more value for their dollar, they would perhaps be better behaved....

/ .../

Councilor Julian Smith said one of the benefits of this Zoning change was that it made it more economically more attractive for property owners to redevelop their property, and do developments where there was housing above shops or offices or parking [MOWER NOTE: See definitions of “Mixed Use”], as in the Henderson plan [for 1 Madbury Road]. He noted that this change would make it more attractive for Mr. Henderson to add more residential units.

Beginning in 2008, amendments to the zoning ordinance have been designed to incentivize and then modulate the appeal to student housing developers to build “Mixed Use with Residential” to help revitalize the downtown. Since then, our zoning’s residential uses in the nonresidential zones (e.g., “Mixed-Use with Residential” and those zoning elements related to calculations of residential density) have been reviewed several times with an eye to adjusting to on-the-ground experience. **Discussions specifically referred to managing the amount of new student housing projects.**

Sample excerpts from attempts to modulate the amount of new student housing projects through zoning follow:

1. On July 20, 2015, the Town Council discussed “a Council Initiated ordinance amending Chapter 175 ‘Zoning’, Section 175-5 3 ‘Use Standards’ to the Table of Land Uses such that ‘Mixed Use With Residential (office/ retail down, multiunit residential up)’ is changed from Conditional Use to Not Permitted in the Professional Office District.”

[Minutes record](#) that Chair Jay Gooze “said the Town had been blindsided by the amount of student housing that had occurred in Town.”

2. On November 13, 2013, the Planning Board held a public hearing for five Council-initiated zoning amendments, which addressed student housing concerns tantamount to “Mixed Use with Residential.” [Minutes reflect](#) (emphasis added):

Mr. Behrendt said Town Council Chair Jay Gooze, Councilor Lawson and Councilor Carden Welsh had initiated these Zoning changes. He said some of this was driven by some fairly broad concerns in Town about the amount of student housing that had been built over the last few years. He also noted Councilor Lawson’s analysis, which had indicated that the supply of student housing would potentially be exceeding demand in the coming years.

Mr. Behrendt said the proposed Zoning changes were intended to recalibrate things so the Town would see more incremental growth in student housing. He briefly reviewed the Zoning changes proposed, and said A-D were motivated largely by this but by other concerns as well. He said A was a good proposal, and said **conditional use would allow the Planning Board a fair amount of judgment in terms of allowing student housing as part of mixed use applications.**

3. Ordinance #2014-14, signed by Town Council Chair Jay Gooze on December 1, 2014, supports the argument that Durham zoning’s “Mixed Use with Residential” is tantamount to student housing (emphasis added):

Ordinance #2014-14 of Durham, New Hampshire—a planning board-initiated ordinance amending chapter 175 “Zoning”, Article II, section 175-7 “definitions” changing Table II-1 “dwelling density by type” such that the maximum number of occupants in unrelated household per 300 square feet of habitable floor area is changed from 1 to .5 for dwelling type “apartment (excluding accessory apartments), except in the ORLI and MUDOR districts”
/.../

WHEREAS, apartments are permitted in one of two zoning categories under the Table of Uses – as “Residence, multi-unit” and “Mixed Use with residential (office/ retail down, multiunit residential up)”; and

WHEREAS, **such Apartments appeal primarily to the student housing market due to the number of occupants allowed presently in a limited space;** and

WHEREAS, **a high numbers of students in developments may have adverse impacts on Town services and town character;** and
/.../

WHEREAS, **since 2008 the Town has approved new student housing developments with a total of 2,371 occupants/beds/bedrooms.** All of these projects have been built or are currently under construction; and...

4. August 26, 2015 Planning Board

- XI. Public Hearing - Zoning Amendment – Mixed Use with Residential. Proposed amendment to the Table of Uses in the Zoning Ordinance to change Mixed Use with Residential in the Professional Office and Church Hill Districts from allowed by conditional use to not permitted. Initiated by Town Council on August 3, 2015.

Minutes reflect:

...Council Chair Jay Gooze, said he was speaking for the Town Council, and noted that when the proposed Zoning change went back to the Council, a public hearing would be held. He said the main reason for this proposal was watching the developments downtown, and input from residents on this. He said there were other districts where mixed use development would be possible, and also said it wasn't known what would happen regarding the 600 sf of habitable space requirement.

He spoke further, and said this proposed Zoning change would put a hold on a few districts that were located near the neighborhoods, as residents waited to see how the new developments in Town panned out. He noted that the Zoning for the Professional Office District and Church Hill District could be changed again later if needed. He said he hoped the Planning Board would endorse this change, and that the Council would eventually approve it.

Planning Board agenda descriptions, sample

Notes: Underlines reflect original formatting. "Multifamily" is not a term in the ordinance.

DURHAM PLANNING BOARD
Wednesday, January 8, 2014 at 7:00 p.m.
Town Council Chambers, Durham Town Hall

- XI. **15 Madbury Road and 8 Mathes Terrace.** Formal site plan and conditional use for redevelopment of two lots for a three-story **mixed-use student housing development**. BAA Realty Acquisitions, LLC and EZT Holdings, LLC, c/o attorney Christopher Mulligan, applicant; **BAA Realty Acquisitions, LLC and Theodore Finnegan, owners**; Michael Sievert, MJS Engineering, engineer; Robin Wunderlich, building designer. Tax Map 2, Lots 12-5 and 12-6. Central Business Zoning District. Recommended action: Acceptance as complete and setting the public hearing for February 12.
- XII. **25-35 Main Street.** Formal site plan application to redevelop three lots into a **mixed-use student housing project**. The proposal involves rehabilitating the houses at 25 and 35 Main Street, demolishing the houses at 27 and 29 Main Street, demolishing/relocating the barn in the rear, erecting two new houses fronting on Main Street, erecting two large new buildings, one in the rear and one fronting on Main Street. **Orion Student Housing**, Bill Fideli and Philip Wills, applicant; Bob Clarke, Allen and Major, engineer; Lisa DeStefano and Adam Wagner, DeStefano Architects, architect; Tim Phoenix, attorney. Tax Map 5, Lots 1-6, 1-7, and 1-8, Central Business District. (The public hearing is closed.) Recommended action: Discussion and continuance to January 22 (or January 15).
- XIII. **Public Hearing** (continued) - **17 & 21 Madbury Road.** Formal site plan and conditional use application for "Madbury Commons," a complete redevelopment of multifamily site known as "The Greens" for **mixed use project with student/multifamily housing** for 460 +/- residents, office/retail, and parking. **Golden Goose Properties**, Barrett Bilotta, Ken Rubin, and Eamonn Healey (applicant); Rose Lawn Properties, Laura Gangwer (owner of 17 Madbury); GP Madbury 17, Barrett Bilotta (owner of 21 Madbury); Michael Sievert, MJS Engineering (engineer); Shannon Alther, TMS Architects; Robbi Woodburn, Landscape Architect. Tax Map 2, Lots 12-3 & 12-4. Central Business District. Recommended action: Discussion and continuance to January 15.

Downtown residential “mixed-use” built projects NOT near families

These “student housing” projects—all but one of which mix apartments with commercial uses—increased the number of “young people” living in our downtown by over 1,000 since 2008 and were taken into consideration in related zoning modulations.

- 10 Pettee Brook (corner of Rosemary Lane and Pettee Brook Lane)
- 2–10 Jenkins Court (former Hardware House)
- 12, 14, 16 Jenkins Court (toward Pettee Brook Lane)
- 9 Madbury Road (corner of Pettee Brook Lane)
- Madbury Commons (among other student housing, including fraternities / sororities)
- Pauly’s Pockets (Main Street, corner of Mill Road)
- Orion (opposite post office on Church Hill) Note: This is the only instance of a “multi-use with residential” project approval that does not currently have commercial tenants, for reasons specific to this site

Police response to professionally-managed rental properties

While the data in the table below does not provide details on types of police calls for service, it does indicate that **onsite professional property management does not take care of all disruption—whether onsite or off-site—caused by the property’s tenants.**

DPD note: “The numbers below represent police response to an address for noise complaints, disorderly actions or any other incident requiring police intervention for the year.”

[RMower notes: Totals extracted and compiled from more extensive individual PD spreadsheets; I hope I was accurate.]

Calls for Service; data provided by Durham Police Department but compiled by Robin Mower

property	2020	2019	2018	2017	2016	2015	2014
Orion (23 or 25–35 Main Street; 197 beds)	32	42	56	16	29	5	
Lodges (259 Mast Rd; 486 beds)	76	55	60	16	43	34	19
Madbury Commons (525 residents)	3	3	6	21	40		
Cottages (619 beds)	63	29	53	24	35	34	24
Davis Court (98 beds)	10	4	11	5	6	8	
The Coops (5–7 Dennison Rd)	6	3	0		23		
Bryant West (260 Mast Road; # beds)	6	9	2				

Why did responses at Madbury Commons decline after 2016?

Perhaps owner Golden Goose, a newbie to student-housing management, hit a steep learning curve. Perhaps it was due to intervention: Neighborhood complaints led to a meeting at the library in May 2017 that was attended by a police officer and sitting Town Councilors. Property owner Golden Goose made changes to its operations as a consequence.

Why are some properties more “troublesome” than others? I suggest that the Planning Board should check in with the Police Department.

Access to alcohol underlies much of the disruptive behavior that the Durham police must address. The Arizona State University (ASU) [Center for Problem Oriented Policing](#) website

<<https://popcenter.asu.edu/>> provides numerous “guides,” including one titled “The Problem of Disorderly Youth in Public Places” and another titled “Underage Drinking.” The following excerpts are particularly relevant to this discussion and are representative of the literature on this topic.

[Environmental Reasons for Underage Drinking](#)

In addition, young people, particularly those in college, are surrounded by outlets (e.g., grocery and convenience stores) that sell alcohol to be consumed elsewhere, or “off premises,” as well as “on-premises” outlets such as bars and restaurants. High concentrations of alcohol outlets are associated with higher rates of heavy drinking and drinking-related problems among college students.

...College campuses near retailers that sell large volumes of low-price alcohol have higher rates of binge drinking than those campuses near outlets that do not sell discount alcohol.

[Responses to the Problem of Student Party Riots](#)

The number of stores that sell alcoholic beverages in an area has been correlated with heavy drinking, frequent drinking, and drinking-related problems in student populations. Some cities have placed moratoriums on new liquor establishments to control distribution of alcohol within college communities.

Disturbances ebb and flow over the years but continue; in addition, a given freshman class may tilt the statistics. The autumn of 2009 was an exceptionally difficult year for downtown neighborhood nonstudent residents, who lived through significant disruptions to their lives.

The Planning Board’s role in maintaining “quality of life”

Arizona State University’s [Center for Problem-Oriented Policing](#) notes in its guide to [Student Party Riots](#):

“...Law enforcement responses alone are seldom effective in reducing or solving the problem. Do not limit yourself to considering what police can do: give careful consideration to who else in your community shares responsibility for the problem....”

The argument can be extended to the role a planning board can play in considering measures that might forestall “friction” between Mill Plaza’s plan to house the “age group” referred to by Chief Kurz, i.e., students, and the abutting single-family neighborhood.

Regards,

Robin

From: Michael Behrendt mbehrendt@ci.durham.nh.us
Subject: Student housing - questions
Date: December 23, 2014 at 12:43 PM
To:

MB

To the PB and TRG,

I received questions from planners in Manchester and New London about dealing with student housing. For your interest, here are some of my thoughts on this issue, below.

Michael Behrendt

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From: Michael Behrendt
Sent: Tuesday, December 23, 2014 12:40 PM
To: Beauchesne, David; Lucy St. John
Cc: Tom Johnson; Todd Selig; 'rlamb@ci.keene.nh.us'
Subject: Student housing - questions

Hello David and Lucy,

Per David's email below and Lucy's request for suggestions on dealing with student housing in New London, here are some thoughts.

- 1) I have attached excerpts from our Zoning Ordinance that deal with student housing issues.
- 2) Student housing is mainly "multifamily" or "multi-unit housing" or "apartments" so it is regulated under that use category. There are other uses – dormitories which are only on campus, boarding houses which doesn't come into play much, and fraternities and sororities, which we have not tinkered with much, at least since I have been here. The main issue is multifamily housing.
- 3) In Durham demands for multifamily housing are snatched up by

- 3) In certain, demands for multifamily housing are stretched up by students so we are not really able to develop multifamily housing for non-students other than through elderly housing – 55 and older/62 and older per federal law. So we have a separate use category for elderly housing and regulate it differently, much more generously, as it is not much of an issue.
- 4) We would like to develop elderly housing downtown but it has not happened much yet. There is concern about how attractive the downtown would be for seniors given the number of students downtown, especially on weekend nights.
- 5) Workforce housing might be a way to develop multifamily housing that is not used by students but we have not really explored this much. Most students would probably qualify so this might not be an effective way of limiting it.
- 6) In the past, years ago, we did not have much of any new student housing created. The supply was old and deteriorated. We realized that we could get a lot of revenue from student housing which was discussed in the 2000 master plan. After the plan we changed the zoning ordinance to encourage student housing. Since 2008 we have had well over 2,000 new beds/occupancies created. It has helped our tax base considerably but we are now concerned about an oversupply, along with the other concerns of having lots of student housing in the downtown and outlying areas so we have tightened it up a lot over the last few years, responding to the great amount of recent development.
- 7) Now, we allow student housing (when I say that I mean “multifamily” or “multi-unit housing”) only in 3 downtown zoning districts and only by conditional use. The conditional use gives us a lot of leverage to ask for what we want. We will approve a project only if it is a good project and meets our goals.
- 8) We have had 2 zoning descriptions for student housing – *multifamily dwellings* and *mixed use buildings with commercial on the first floor and residential above*. In the downtown, this latter category has

...been very effective. The demand for student housing helps to drive development downtown but we want to harness it. So, we require the entire first floor be commercial, and allow the second and third floors to be student housing. Developers may not like this and often say there is no demand for commercial downtown but they get enough revenue from the student housing that they build it anyway. And there is certainly a demand for commercial on the first floor but they sometimes don't market it very aggressively or it may take longer to fill. But we do not want students on the first floor of downtown buildings. We allow a fourth floor if it is also commercial but that has had limited appeal to developers.

- 9) In the definitions section, attached, we define households as family or unrelated. This approach has been legally vetted. In an unrelated household, in single family houses and in multifamily in some zones there is a maximum of 3 unrelated in a dwelling unit. This is mainly a concern in single family households in the neighborhoods. It has been somewhat effective. It is difficult to enforce but gives us a tool if there is a problem house. Limiting to 3 unrelated makes conversion of single family houses to student houses less profitable. We do not want student houses in the neighborhoods. This use does not work in neighborhoods and we would prohibit it entirely if we were able to legally. This unrelated limit is helpful. With the increase in multifamily developments many student houses have been converted back to regular family houses. And this is great.
- 10) Conversion to regular housing. When we review projects we try to create conditions where the housing might be convertible to non-students in the future. WE have thus made some changes in the ordinance to foster this (e.g. maximum of 4 bedrooms per unit)
- 11) Management requirements. In site plan review for new projects we require a property management plan and other things to help regular. See the attached with some typical conditions.
- 12) We regulate density in a few ways:
 - a) Allowing multifamily housing in only 3 districts, all in the core

areas

- b) Allowing only by conditional use
- c) Setting a maximum number of dwelling units per acre like any zoning ordinance (but this doesn't mean much in a college town because developers may put multiple bedrooms and multiple beds in units)
- d) We have now limited dwelling units to a maximum of 4 bedrooms. There have been some units with 6 or more bedrooms, marketable for students but not convertible to regular units
- e) We don't allow basement units. We changed this recently. We don't need to allow developers to pack them in. We want to control how many units will be created and ensure they are good quality units.
- f) We do not limit the number of beds per bedroom in zoning but had thought of doing that. In site plan review we will set a maximum number of occupants. Occupants, as opposed to beds, is a good approach though it can be difficult to enforce. It gets tricky with number of beds in a bedroom (couples? Relatives?)
- g) We limit to 3 unrelated in houses and multifamily dwellings in most districts (not in the Central Business District)
- h) We require a minimum amount of habitable square footage in the dwelling unit per occupant. This is another good control. We do this in the Definitions section under Household – maximum number of residents per 300 square feet.

13) Parking is another issue. We have allowed no parking in recent downtown student housing developments but they have to pay an impact fee for each space that is not provided that would be required. The fee is very low now - \$750 per space.

14) We have wrestled with where to allow student housing – outlying areas or in the downtown. There are pros and cons of the downtown as you know. It can help businesses and allow students to not have cars, but it can overwhelm the downtown, and many students do have cars anyway.

- 15) Now that the supply has been greatly increased we are concerned about metering out new student housing in ways that will be beneficial for the town. We want to approve new student housing only in the downtown areas on specific undeveloped or blighted sites that we want to see developed/redeveloped. Student housing is the driver to make this happen. If we use up whatever remaining demand there is just at any site, then there will not be sufficient demand left to redevelop the specific sites that we want to see redeveloped. So we are trying to meter it out very carefully.
- 16) Notwithstanding the above, we have pretty much stopped new student housing at this point. Given all the new development we don't want any more now until we absorb what has been built and is now under construction. We recently increased the habitable square footage required per student to 600 square feet which is not viable.
- 17) It raises an interesting question. Student housing, in unrelated units is probably not viable with the 600 square foot requirement but there is no habitable floor requirement for families so we could theoretically see a new multifamily development with smaller units not meeting the 600 square feet per resident. How would this play out though – allowing families in the small units but not unrelated It could be difficult to oversee and enforce.
- 18) We also passed an ordinance a few years ago calling for annual inspections of all apartments in Town.
- 19) We also have a disorderly house ordinance. See the attached.

I hope this is helpful. What are some strategies that you are thinking about? Good luck!

Michael Behrendt

Director of Planning and Community Development
Town of Durham

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From: Beauchesne, David [<mailto:beau@manchesternh.gov>]
Sent: Tuesday, November 18, 2014 12:33 PM
To: 'rlamb@ci.keene.nh.us'; Michael Behrendt
Subject: Question about overcrowded off-campus student housing

Hello Rhett and Michael!

I'm a Senior Planner with the City of Manchester and have been asked by Leon LaFreniere, the Director of Planning and Community Development Department, to contact you both in the hope that your experience in dealing with student housing issues in New Hampshire college towns would be of assistance to us.

Manchester has recently experienced huge growth in full time student population and now count over 8,000 persons, mostly young people, attending local colleges and universities. As you are both undoubtedly aware, an interesting number of such students are eager to reside off-campus and, as a group, they are interestingly creative in discovering and utilizing available opportunities for such housing. Over the last few years, several residential sections of Manchester have attracted concentrated numbers of students seeking off-campus housing opportunities and we're now experiencing a well-noted, and hard to police, effect of such a housing trend –overcrowded dwelling units and the accompanying loud noise, late night partying, health and safety concerns, and other problems.

And, needless to say, the City is now receiving a growing amount of complaints from concerned neighbors who are on the front line of dealing with this new social situation and, of course, politicians are responding to citizen complaints by asking planners to propose adequate solutions to the problematic issues.

But how may the problematic issues be effectively, and legally, addressed?

Our zoning ordinance, as currently written, does not appear to offer much help as it defines a **single family dwelling** as “***a detached building used exclusively for occupancy by one family***”, a **two-family dwelling** as “***a detached building used exclusively for occupancy by two families living independently of one another***”, a **dwelling unit** as “***one or more rooms containing private bath, cooking and kitchen facilities, and sleeping quarters for the use of one or more individuals as a single housekeeping unit***”, and **family** as “***a group of individuals, whether or not related, living together in a dwelling unit in a structured relationship constituting an organized housekeeping unit.***” These are fairly routine definitions commonly seen in zoning ordinances throughout the U.S. but they (or any other element of our zoning ordinance) do not effectively provide us with a legally defensible rule (or set of rules) which effectively places a specific ceiling on how many people can live in an individual dwelling unit.

Our current perception is that the ultimate effective solution(s) to our perceived problem may not be zoning related, or based in the language of our adopted building codes, and we’re even wondering if there is a practical useful solution. Is it possible that we’ve failed to correctly understand or define what the issue is?

So we’re appealing to the wisdom you’ve both gained through your college town planning experiences – how have Durham and Keene dealt with overcrowded off-campus student housing? Do you have any recommendations for us? Is this a question that should be thrown out to the Plan-link community?

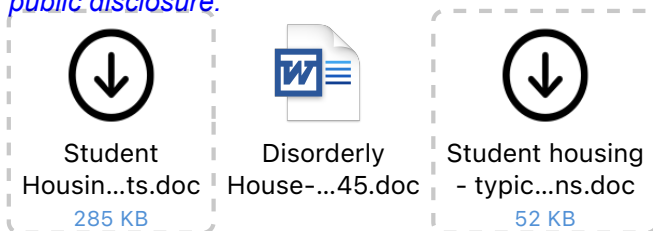
Many thanks for your consideration in this matter.

David Beauchesne, Senior Planner

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COPS
COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF JUSTICE



Problem-Specific Guides Series
Problem-Oriented Guides for Police

No. 6

Disorderly Youth in Public Places

Michael S. Scott



Center for
Problem-Oriented Policing



Savannah Police Department



Fast-food restaurants are popular locations for youth to hang out.

Among the specific behaviors (some legal and some not) commonly associated with youth disorderly conduct are:

- Playing music loudly
- Cursing
- Blocking sidewalks and streets
- Playing games (football, soccer, stickball, etc.) in the street or near residences
- Drinking alcohol, smoking, and using illegal drugs
- Making offensive remarks to passersby
- Fighting
- Littering
- Applying graffiti
- Vandalizing property
- Harassing security staff

Such problem behavior most commonly occurs:

- At shopping malls
- In plazas in business districts
- At video arcades
- In public parks
- On school grounds
- In apartment-complex common areas
- At public libraries
- At convenience stores and fast-food restaurants