

From: [Michael Behrendt](#)
To: [Tracey Cutler](#)
Subject: FW: Comments for PB on zoning update WEBSITE
Date: Friday, April 5, 2024 6:24:55 PM

Tracey,
Please post to the website. Planning Board – Definitions. “Email from Liz Durfee”. Thanks.

Michael Behrendt

Durham Town Planner
8 Newmarket Road
Durham, NH 03824
(603) 868-8064

From: Liz Durfee <liz@efdesignplanning.com>
Sent: Thursday, March 28, 2024 1:18 PM
To: Michael Behrendt <mbehrendt@ci.durham.nh.us>
Subject: Comments for PB on zoning update

You don't often get email from liz@efdesignplanning.com. [Learn why this is important](#)

Hi Michael -

I attended the Planning Board meeting last night (3/27/24) and appreciated the discussion on the zoning update and workforce housing. I have another meeting on April 10th and won't be able to attend the hearing on the definitions and table of uses. I skimmed the proposed changes and a couple things caught my eye:

1. On page 82 of the table of uses, it looks like 'parking structure' and 'parking lot' may have been switched. I.e. 'surface parking' is replaced with 'parking garage'. This is not the case on page 86.
2. Definitions amendments page 43, *Student Housing*, second sentence: suggest replacing "typically or frequently" with just one word. "Frequently" or "often" would work. This definition in general seems too complicated and specific. Is it legal to regulate based on whether there is a guarantor on a lease?
4. I agree it is ok to have definitions for uses that are not in the table of uses. If there isn't another definition in the ZO that would encompass the type of use (ex boarding house)

and the board wants to distinguish it from other uses that are permitted uses, it makes sense to keep it. But I also appreciate weeding out terms that are outdated.

5. I think it would be beneficial to have a note on the top of both the documents with proposed amendments (definitions and table of uses) explaining that the only definitions included in the document are those for which changes are proposed. It wasn't clear to me that the document didn't include the full list of definitions.

6. I appreciated the Board's discussion about transparency. To help readers like myself who haven't followed the discussion on proposed amendments closely, it wouldn't hurt to add a note to the proposed amendments explaining what is going on with the table of uses. It sounds like the issue of what uses are permitted in each district will be addressed at some point in the future. But, at the same time, the Board was making some decisions about what uses are permitted in certain districts during the meeting. I understand it's a difficult line to walk. If a new term is different enough from its predecessor that it needs to be regulated differently, that seems like it warrants a greater discussion, or at a minimum, clear notice to the public of the proposed changes.

When I skimmed the proposed changes prior to the meeting, I thought the Board was intentionally prohibiting *residence, multi-unit complex* because a new definition was created and then it was given all X's in the table of uses. After hearing the discussion last night, I understand this was not the intent.

7. When evaluating changes to the table of permitted uses, the Board may want to consider that there are different noticing requirements per RSA 675:6 for changes to permitted uses depending on the number of properties impacted (if they haven't already).

Could you please forward these comments to the Planning Board in advance of the next meeting on definitions?

Thank you,

Liz Durfee
3 Constable Rd.

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Liz Durfee, AICP
EF | Design & Planning, LLC

www.efdesignplanning.com
liz@efdesignplanning.com
603.969.4594

