

March 10, 2024

TO: Michael Behrendt, Director of Planning and Community Development
Members of the Planning Board
Town of Durham, NH 03824

FROM: Joe Moore
138 Lee Road
Durham, NH 03824

RE: Proposed Amendments Related to Workforce Housing and Rezoning of Land to OR

Dear Michael and Members of the Planning Board:

Having read the proposed amendments noted above and reviewed the Town of Durham Zoning Ordinance, pertinent chapters of the 2015 Master Plan and 2017 Economic Development Chapters, and the December 23 Draft of the RKG Housing Needs Assessment for Durham, I have several observations and concerns for your consideration.

I first acknowledge the substantial investment in time the Planning Office and Housing Task Force Committee have devoted to the important issue of affordable housing in Durham and appreciate the comprehensive RKG report. The need for workforce housing is no small issue and deserves the attention it has received by the town. It is important, as well, to acknowledge the many uncertainties the future holds regarding this issue.

Since the proposed amendments involve zoning issues, I note first that Article 1, 175-3 of the Zoning Ordinance states that the ordinance is designed to ensure ..."new development takes into account the immediate and long term financial impacts of the proposed uses and embraces the achievement of the towns economic development goals."

I also reference from The Key Conclusions of Economic Development Chapter of the Master Plan that (#19) "Durham's four commercial/industrial zoning districts are highly constrained by environmental characteristics, current use, and infrastructure availability."

The RKG report provides impressive details about the immediate affordable housing metrics in the region and in Durham. It also notes the unique and complex issues of income and housing that are tied to UNH and the uncertain future of the same. These issues confound interpretation of metrics of the RKG report. Given evolving demographic, affordability and other factors confronting higher education, more drastic changes in university housing needs may evolve in the not so distant or the very distant future. It is also noteworthy that Durham stands significantly apart in many of the economic and housing measures reported by RKG that are used as markers for housing demand and affordability measures.

Given the information cited above, I suggest further consideration should be given to your proposed amendments in the following categories:

1. **The economic impact of repurposing zones established as the result of Master Plan Economic Development Chapter for increasing our tax base:** Will Workforce housing development result in a similar tax benefit or have a much lower impact on town revenue? What increased expenses in terms of infrastructure and services will the town incur? It seems important to seriously develop an economic impact statement to address these questions.
2. **Perpetuity:** The need to have rental and owned units remain within the definition of affordable into the future is understandable and critical to the objectives of this workforce housing proposal. Whether or not the requirement for perpetuity is reasonable, or how to achieve the same, is worthy of discussion. It is unlikely the residential buildings allowed in this proposal will exist in fifty or one hundred years, let alone in perpetuity. Likewise, there is no assurance there will be a demand for such housing. Today's building materials and appliances have limited durability or lifespan, and any residential property requires maintenance and renovation. When units deteriorate or outlive their usefulness will they have to be rebuilt or repaired as workforce housing or could they be demolished and repurposed according to other allowed uses in the zone? Workforce housing of different sorts that were developed for New England workers during our industrial and manufacturing era, for example, no longer exist due to lack of demand or upkeep or because they now serve different needs or purposes. How will yet to be developed technologies, such as artificial intelligence, impact demographics, socioeconomic conditions, or the demand for commercial development and housing. History and an uncertain future argue against the condition of **perpetuity**. Is there alternative language to ensure that, once permitted and built, housing units must, during their useful lifetime, adhere to affordable housing rental and sale requirements?
3. **Conditional Use:** It seems most of the goals of the proposal for Workforce Housing could be accomplished by simply adding Conditional Use rather than Permitted Use to the Research-Industry zones. This would facilitate the Planning Board ability to comply with the Zoning Ordinance mandate to consider immediate and long-term economic impacts. It is certainly a more cautious approach than having development, as stated in #15 of the Standards for Specific Uses, be "**permitted by right.**"
4. **Buffers:** Since the commercial zones in the zoning ordinance are located in gateway approaches to Durham, the buffer requirements should be required and clearly defined. The lodges at West Edge and Riverwoods Durham are both, in the opinion of some, lacking in adequate buffers. The issue of poorly defined buffers also created major controversy in Mill Plaza development proposals. While driving around our Seacoast region, the new workforce housing developments often consist of large buildings clearly visible from adjacent roads. By contrast, local citizens and a local developer worked together to site Harmony Homes in a manner that preserved the nature and views of that property.

5. **Imprecise language:** Zoning language should be as definitive as possible. Items 9,10,11, and 13 have language that is far too vague to avoid controversy. Words and phrases such as: *all or most; encouraged but not required; reasonable judgement; or try to reduce*, lack regulatory authority and invite contention or legal challenge.

I close by turning to the proposal to Rezone Land to Office and Research. If any of my concerns are valid and a decision made to revise the Workforce Housing Amendment, a delay in approving workforce housing amendments could be problematic for the potential seller and buyer of the current 59 Piscataqua Road property. It seems that such a delay could be ameliorated by adding this property to the OR Zone in a separate proposal. Proceeding with workforce housing in that zone could then be accomplished as it was when workforce housing was previously approved in that zone for Harmony Homes employees.

Thank you for considering my observations, concerns and proposals.

Respectfully submitted,

Joe Moore