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Town Planner's Review
Wednesday, April 10, 2024

- XI. **Workforce Housing – Potential Zoning Amendment.** (Time permitting)
Continued discussion about issues related to potential zoning amendments to facilitate the creation of workforce housing. The Planning Board put aside an earlier proposal and is now working on a new/revised draft. *Recommended action:* Continued discussion
- I recommend that the board continue discussing the various issues related to prospective zoning amendments.

*Here is an update from the memorandum that I sent for the March 27 Planning Board meeting based on the board's discussion that evening.

Overlay Districts. This should be set up as the Workforce Housing Overlay District (WHOD). I recommend two areas roughly as shown on the maps at the bottom. One area would encompass a portion of the Office Research Light Industry (ORLI) District including Technology Drive and UNH's West Edge and the other would include the present Office Research District along Dover Road plus most of the Keefe property located off Route 4.

Oyster River Schools. Dr. Morse is speaking to the Planning Board on April 10. Al Howland, former School Board member and member of the Housing Task Force, and Jim Lawson, former Town Council member, are speaking to the Housing Task Force this Monday, April 8.

Workforce Housing. The New Hampshire workforce housing statute defines workforce housing based on rentals being affordable to those at 60% of the area median income and units for sale being affordable to those at 100% of the area median income. The board discussed using a wider range of thresholds (such as 50%, 60% 80%, 120%, etc.) but decided to use only the 60% and 100% thresholds, respectively, for simplicity. This makes sense.

HUD standards. The rent levels should be set based on what is deemed affordable to a household earning 60% of the area median income. They should be set for dwelling units

based on the number of bedrooms. I am coordinating with a few experts to clarify what specific HUD reference should be used.

Units for sale. This ordinance is more oriented to rental. I think that rental housing is preferred as it is set at a more affordable level (60% area median income for rental in contrast to 100% of area median income for sales) and is easier to retain at affordable levels in perpetuity. A higher density should be allowed for units designated for rent. We will need to figure out a process for an applicant specifying whether units are for rent or for sale and for when an owner seeks to convert an existing development to condominiums or units for sale.

Senior housing. The ordinance could provide for a specific percentage/amount of senior housing (available only to those 55 and older) but it was the sense of the board to not include such a provision for simplicity. People of any age could simply rent units like anybody else. However, there was a discussion on March 27 about possibly restricting tenancy to those with employment income (rather than retirement income and other types of income). The sense of the board was to not do that, in part because it might not be legal. See section on income requirements.

Sustainability. Should specific sustainability measures be included? If so, what should they be? I recommend against including any density bonuses in the ordinance. Is it sufficient to rely upon the site plan or subdivision process to provide for such measures? It will be complex enough without adding bonuses.

Percent workforce housing. The original proposal called for 100% workforce housing. The sense of the board is to include a percentage of market-rate housing. The purpose would be to help the financial viability of a project and to accommodate some mix in residents. The board discussed requiring in the range of 70-75% workforce housing. I think that is the minimum that should be required. If, for example, only 50% of the units were required to be workforce housing this is no longer a workforce housing project and there would be less justification for the zoning advantages being proposed for this use. When there is a mix, some amount of workforce housing should be built before the market units are built.

Perpetuity. More thought may be needed for how to ensure the units remain as workforce housing in perpetuity. The board debated this question on March 27. I think the units should remain as workforce housing in perpetuity but perhaps some language dealing with potential future conversion to market rate housing should be included.

Income threshold. The board debated whether the ordinance should require that the units be available only to households whose income falls within the 60% threshold. It was the sense of the board to require that. However, Ryan Pope, Housing Navigator for Dover said, *"It's worth noting that we do not make any income-targeted stipulations, meaning that people of any income can live in these units provided the rent never exceeds the current year's Portsmouth-Rochester FMR. This approach requires less municipal oversight, simplifies the leasing process, and guarantees that attainable units (40th percentile anyway) remain a part*

of our rental housing stock in perpetuity.” If tenants are required to meet the income threshold what happens when their income rises above the threshold? There could be a period of time during which they can still remain in the units, such as one or two years or lease periods.

Full-time students/source of income. The board has been debating whether an effort should be made to not allow full-time non-working undergraduate students from living in the units. Some have expressed concern that without some controls many of the units, especially if relatively affordable, would be taken up by full-time undergraduate students. These are intended to be “workforce housing” units. We can probably require that the tenants demonstrate to the property owner that they have their own employment income to cover the rent. The earlier proposal also allowed for “personal income.” The site could be inviting for retired people, people on disability, people living off their savings, etc. Is it appropriate to specify that tenants show they can meet the rent through employment income or “personal income.” Perhaps we could reinforce this by not allowing a lease guarantor. John Randolph, one potential developer, has implemented a similar process at his project in Dover. The board discussed whether to allow only people who are working to live in the development. The board did not seem supportive of this approach and it is uncertain whether or not it would be legal.

Density. We will need to discuss target density. Other dimensional parameters will need to be address, including setbacks and height limits. For some the standards in the base zoning district should apply. The base zoning districts likely to be included in the overlay district include Office Research, Residence Coastal (which has wide setbacks), and Office Research Light Industry, and possibly MUDOR.

Support facilities. We should discuss this further, perhaps listing more facilities that would be allowed as accessory uses and principal uses.

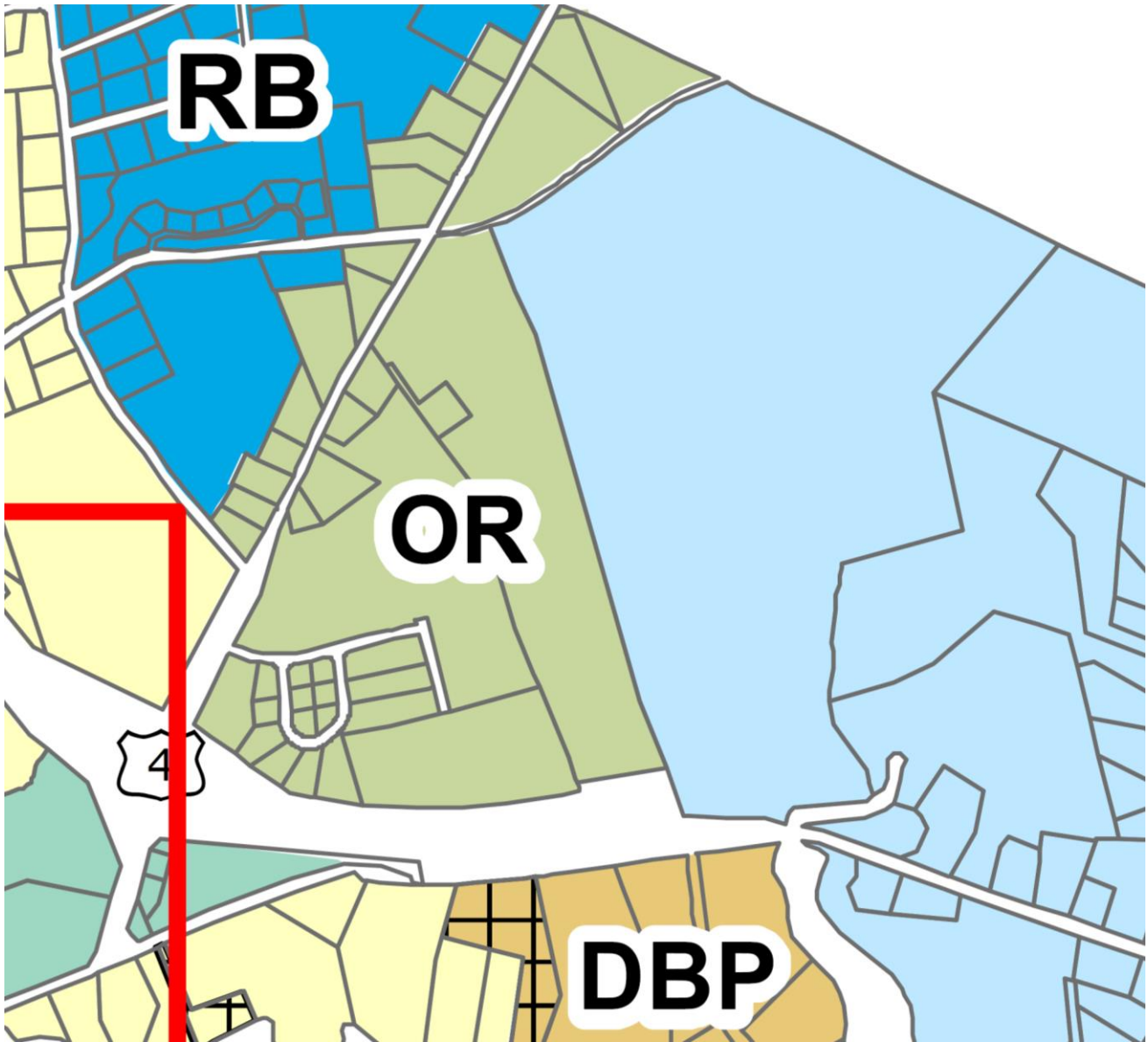
Open space. I recommend 50%, 60% or 66-23% of the gross acreage be permanently preserved as open space (at least on larger parcels). The conservation subdivision ordinance provided good guidance for selecting the area to be preserved..

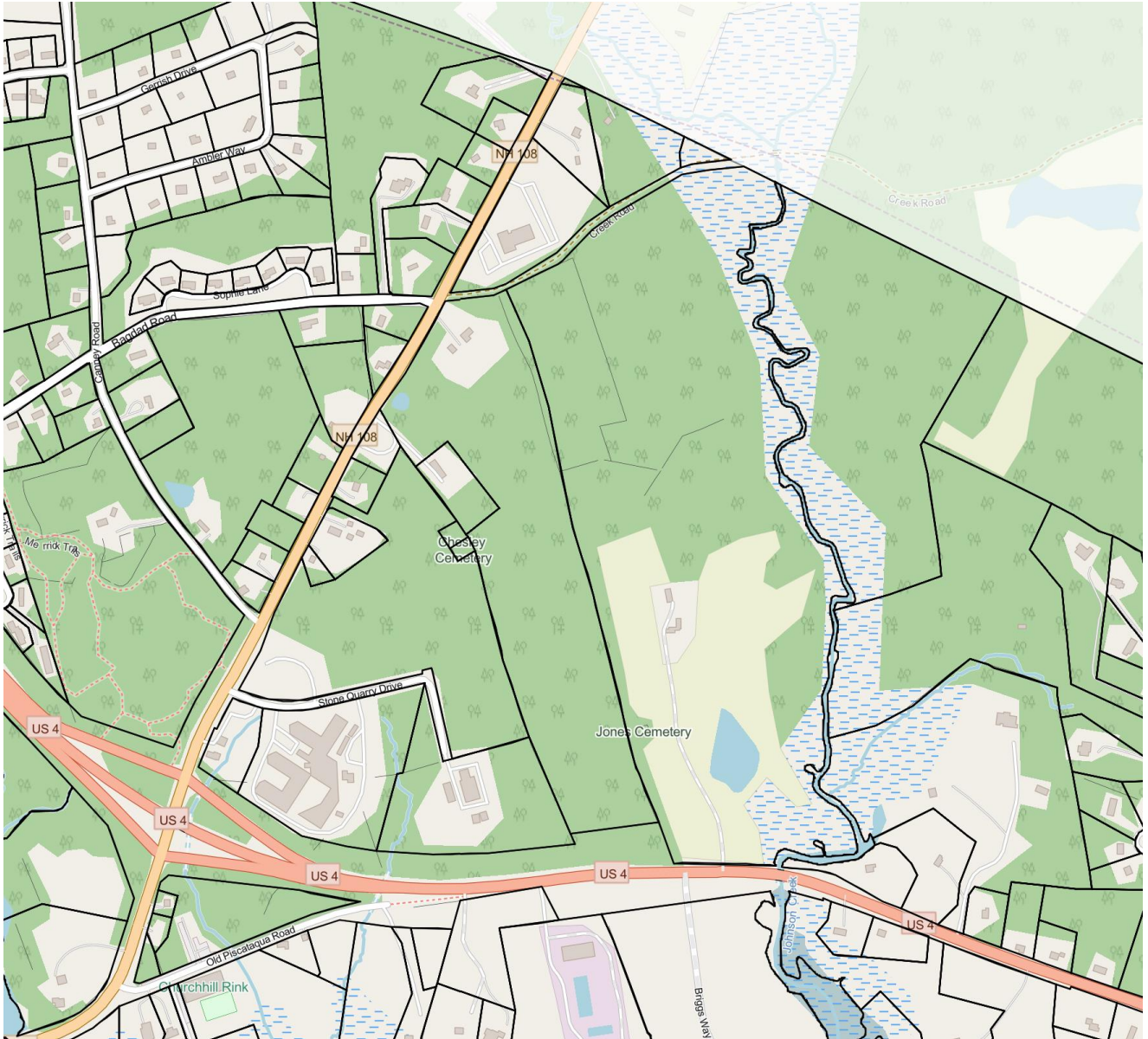
Housing types. For projects over a certain number of dwelling unit there should probably be a requirement to have at least two or three types of housing included (tiny houses, duplexes, triplexes, townhouses, apartments, single family houses, etc.)

Perimeters buffers. We should include specific buffers from adjoining roads and properties. For a large parcel the buffers should be quite deep, for example a minimum 200-foot buffer from any public roads and a 100-foot buffer from adjacent property.

Overlay districts. Here are two potential overlay districts on the following pages:

Include the Office Research (OR) district but not the small lots to the west of Dover Road/Route 108. Include the Keefe property to the east of the OR district but not the portion that is east of Johnson Creek. Here are the zoning map and GIS map of the area.





Include portions of the Office Research Light Industry (ORLI), for example the district north of Route 4 and the UNH property in the easterly section north of Mast Road considered for the future Edge project. Here are the zoning map and GIS map of the area

