

These minutes were approved at the August 28, 2024 meeting.

**TOWN OF DURHAM
DURHAM PLANNING BOARD WORKSHOP**

Wednesday, July 31, 2024

Town Council Chambers, Durham Town Hall

7:00 pm

MEMBERS PRESENT: Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Robert Sullivan, Peyton McManus, Richard Kelley, Emily Friedrichs (Council Rep), Heather Grant (Alternate Council Rep),

MEMBERS ABSENT: Erika Naumann Gaillat (Alternate), Tom DeCapo

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

Chair Paul Rasmussen called the meeting to order at 7:00 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen called the roll.

III. Approval of Agenda

Vice Chair Tobias requested that item #7, Other Business, on the agenda be moved in front of item #6, Amendment to Zoning Definitions.

*Mr. Kelley **SECONDED** the request made by Vice Chair Tobias to amend the agenda. The **MOTION** was unanimously approved.*

IV. Town Planner's Report

Mr. Behrendt stated that he had nothing to report.

V. Public Comments – None

VI. Other Business

Vice Chair Tobias stated that she didn't think the Workforce Housing Ordinance should go to public hearing as she didn't think there was a consensus met at the last Planning Board meeting. She is confused by what Section F(2 & 3) of the Ordinance is saying. Chair Rasmussen stated that those two things are completely independent. It seems concerning to Vice Chair Tobias.

Mr. Kelley agreed that this wording would put a burden on the property manager/owner. But he does agree with Chair Rasmussen that these two items are separate.

Vice Chair Tobias believes that they are creating lower-income housing, which they didn't want. She believes that they want to have affordable housing but have a variety of income levels. Vice Chair Tobias proposes to re-word Section H or leave it the way it was originally written.

Chair Rasmussen stated that he had asked in the past whether the goal was to create workforce housing or just an affordable/realistic housing supply. The response he received was that they wanted workforce housing.

Councilor Friedrichs stated that ze has some concerns about providing a density bonus outside of the norm if it is not clearly a benefit to workforce housing.

Mr. McManus stated that Tom's email put forth a model that doesn't address affordability, it is just about who is going to be there - it is just about income and employment. He stated that this is the model that is before them now. The original model was not about that; it was about affordability and diversity. He stated that with Tom's model, the compliance piece gets sticky because you need definitions of income and employment. He is inclined to want to return to the earlier model which was fair and easy for compliance and make the goal affordable housing.

Vice Chair Tobias stated that when people were talking to them about affordable housing, they did not realize that there is a range of incomes that see housing as challenging.

Chair Rasmussen feels that Concord is going to strike down the Ordinance if they pass it with an employment requirement. There was discussion on this.

Councilor Friedrichs stated that the employment requirement was to help supply housing to a demographic that they is currently missing in Durham – a demographic that falls between the over-55 housing and student housing.

Planner Behrendt stated that the reasoning behind the language was to discourage full-time graduate students who were not working.

Vice Chair Tobias does not feel comfortable denying retirees housing.

Mr. Sullivan believes that the income portion of the Ordinance is starting to fight against some of their objectives. There was more discussion around whether to have workforce housing or affordable housing.

Patricia Cardoza from Churchill Apartments stated that if she lives in a HUD apartment, it is 30% of her income; it never changes. She's lived in her apartment for 10 years. She hopes that the landlords check income each year to make sure that the renters make enough money. She feels that there should be workforce housing.

John Randolph from Stagecoach Road stated that the idea of averaging the rents is brilliant. He thinks that will create the diversity they want. He believes that the idea of doing an annual review of everyone's income is a nightmare. He stated that the renters he gets give him enough information so that he knows that they qualify for reduced rent. But he doesn't ask for all of their income information. He would agree that those people who start to earn a higher income want to move out to buy a home. He mentioned that he would

like to build more in Durham, but he would need more employees, and he cannot hire if there is no housing for them. He does not believe you can create a perfect workforce housing overlay district.

Councilor Grant asked if they wanted to change the wording to “encourage” Section 8 renters rather than “must take” so there is more choice. Mr. Randolph doesn’t like the idea of “must take” Section 8 renters.

Mr. McManus asked if the employment verification would be as difficult as the income verification. Mr. Randolph stated that he is always looking for a minimum income to qualify rather than a maximum income to qualify. He also stated that when they built the housing in Dover, he was surprised by how many retirees requested housing. He stated that it is up to what the Planning Board’s intent is.

Councilor Friedrichs asked if they could add a statement that, “Property owners must accept but may not prioritize Section 8 housing vouchers.” There was agreement that this was a good idea.

Vice Chair Tobias asked if Mr. Randolph had ever done income averaging. Mr. Randolph stated that he had not. Vice Chair Tobias asked how he thought it would work for him. Mr. Randolph stated that it would be tough to find people who can afford higher than minimum rents. However, he does think that averaging gives you more flexibility as to who you can rent to.

Mr. Randolph stated that he isn’t concerned with students wanting to rent in a workforce housing development. He believes that it isn’t the type of community that students want. Mr. Randolph spoke more to the issue to lack of affordable housing on the Seacoast.

Mr. McManus asked if the original language of the Ordinance would allow Mr. Randolph flexibility in obtaining financing to build affordable housing. Mr. Randolph stated that yes it would.

Mr. McManus asked that the first sentence of the Ordinance say that the purpose of the Ordinance is to “provide affordable housing for members of the workforce and the community.”

There was additional discussion on the wording of the Ordinance. Planner Behrendt feels that they can still have the public hearing on August 14. The Board agreed to keep the title of “Workforce Housing Ordinance.”

VII. Amendment to Zoning Definitions. The Planning Board prepared an extensive set of changes to Article II – Definitions, including related changes to the Table of Uses, and forwarded the proposal to the Town Council. The Town Council offered numerous comments and returned the proposal to the Planning Board for further consideration. As part of this review the board may also discuss a change to the definitions of *Household* and

Family (possibly affecting the “three-unrelated rule”) and additional changes to the Table of Uses.

Page 31, “Lot Line.” James Bubar has a concern about waterfront being the front of a property. Planner Behrendt thinks the definition is fine as is. There was agreement on that.

Page 34, “Neighborhood.” There was agreement to eliminate “(or semi-contiguous).”

Page 36, “Ordinary High Watermark.” Mr. Kelley stated that the Conservation Commission had not been able to review this definition at their last meeting. There was agreement to move this definition to the SPOD.

Councilor Friedrichs stated that ze still has an issue with “Off Highway Recreational Vehicle.” Ze stated that the definition says, “See All Terrain Vehicle,” but the Board has also struck “All Terrain Vehicle.” And in the Table of Uses under prohibited uses is “All Terrain Vehicle/ Off Highway Recreational Vehicle Facility.” Is it ok not to have definitions for these things? Mr. McManus asked if they restored the definitions, would they have to add “does not include electric bikes”? There was additional discussion around this.

Page 37, “Parking Garage.” There was a suggestion to add the word “may” before “include.” Chair Rasmussen mentioned that the way the definition is worded, it is not restricted to commercial uses. There was discussion on the wording. There was agreement to striking the last sentence of the definition. There was discussion on where to allow parking garages. There was discussion on suggested changes to the Table of Uses in regard to parking. It was determined that the word “mixed-use” would be changed to “multi-family” in the definition.

VIII. Adjournment

Vice Chair Tobias MOVED to adjourn the Planning Board Meeting; SECONDED by Peyton McManus; APPROVED 7-0, Motion carries.

Chair Rasmussen adjourned the meeting at 9:21 pm.

Respectfully submitted,

Karen Edwards, Minutes Taker