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**Town Planner's Review**  
**Wednesday, June 26, 2019**

- IX. **Planned Unit Development Ordinance.** Discussion of proposal to create a Planned Unit Development (PUD) ordinance to enable development of mixed-use high technology village at UNH's West Edge site.
- I recommend that the board discuss the concept. This item was on the Planning Board's agenda on May 22 but we did not discuss it due to the late hour.

Please note the following:

- 1) **Meetings with UNH.** Todd Selig, Mary Ellen Humphrey (prior to her departure), and I have had several conversations with UNH about the prospective redevelopment of West Edge as a mixed-use, high technology, office and research district. The property is situated in the westerly quadrant of the intersection of Main Street and Mast Road, east of the Lodges.
- 2) **High technology village.** UNH has been studying projects developed by entrepreneurial universities around the country, such as the famous Research Triangle (a vastly larger project) in North Carolina. These high-technology villages are typically developed by the university in partnership with private developers and private businesses. West Edge (See tax map and aerial photo at the bottom) seems to be an ideal location for such an undertaking given its size, prominent location, proximity to Route 4, easy access to the heart of the university and the downtown, and occupancy now largely by lower-value secondary uses.
- 3) **New paradigm.** Because the site would be developed and occupied in large part by private entities the project would be subject to Town zoning and site plan review. The old paradigm for these kinds of projects, as for a typical office park of the time, was the suburban style of development with a single type of commercial use and virtually all access by automobile. Many projects now are stressing a mix of uses and walkability, in order to create vibrancy and a sense of place.
- 4) **Master plan.** Conventional zoning is broad brush and oriented to smaller single use sites. It is generally insufficient to allow, let alone encourage, excellence in planning for large parcels. I think the best approach to achieving a high quality development here is through the Planned Unit Development process, for UNH to work with a talented land planning firm to create a carefully designed master plan specially tailored for the site, rather than to zone West Edge using one of the Town's current districts or by creating a new conventional district. If the master plan is well crafted it can allow for much more flexibility than conventional zoning. For example, a conventional zoning district for this parcel would

provide a height maximum which is applicable throughout the parcel. It probably makes sense to have lower buildings, or open space, along Mast Road and Main Street on the perimeter with taller buildings on the interior, set back from these existing roads. With conventional zoning, the Town has little confidence that the tallest buildings will not be placed along the exterior roads. With a master plan, it is predetermined that they be located in the most appropriate places.

- 5) Planned Unit Development. In some ways, creating such a master plan is a trade off between the developer and the community. The developer gets flexibility in having a wider range of uses, potentially higher density/intensity of development, and departure from some other zoning parameters. The Town gets a higher quality project, usually with better open space, landscaping, walkability, energy efficiency, and design, and whatever elements may be of concern for the community, as well as a high level of confidence about what will actually be built under the PUD zoning designation. There is usually some negotiation involved in the development of a master plan.
- 6) Purpose. Here is an excerpt from the purpose statement in the old Rochester PUD ordinance which I wrote many years ago:

*A Planned Unit Development (PUD) allows a landowner to propose his/her own development project largely independent from current land use regulations otherwise applicable to that property. A PUD master plan is akin to a special zoning district designation for a particular tract of land in terms of uses, dimensions, and other development standards. (Note: every reference to “master plan” in this PUD ordinance refers to the PUD master plan rather than the City of Rochester Master Plan, except where the latter is specifically referred to as such.)*

*The purpose of this ordinance is to promote flexibility in large-scale development by considering project proposals based upon a comprehensive, integrated and detailed plan rather than the specific constraints applicable to piecemeal lot-by-lot development under conventional zoning. A PUD should improve the quality of new development by encouraging aesthetically attractive features and promoting quality site and architectural design.*

- 7) Steps. There would be three steps involved to develop West Edge:
  - a) The Town writes a Planned Unit Development ordinance as an amendment to the Zoning Ordinance. I would prepare a first draft for review by the Planning Board soon.
  - b) Once a PUD ordinance is in place, UNH could develop its master plan for the parcel in accordance with the specifications of the ordinance. The proposed PUD master plan is reviewed by the Planning Board and then by the Town Council and if acceptable (with changes along the way) is adopted by the Town. The property is then rezoned PUD-1 or PUD - West Edge or PUD - Innovation District. This actually becomes the new zoning for the parcel.
  - c) UNH or its private partners then submit site plan applications (and possibly subdivision applications) to develop portions of the parcel consistent with the specifications of its approved PUD master plan. In our discussions with UNH so far, they find this approach

appealing because the hard work is done up front with a) and b). Then, once the PUD master plan is in place, the site plan reviews for actual development should be fairly streamlined.

- 8) PUD ordinances. There are hundreds of PUD ordinances around the country. They are all different. We would write one that suits Durham. There are numerous elements to consider: types of uses allowed, density allowed, design requirements, architectural standards/guidelines, process for amending the PUD master plan, process for allowing minor changes in the master plan, and process for adopting a PUD master plan. In earlier discussions we expected to write a PUD ordinance that would allow for UNH to create a PUD on the subject tract and also potentially allow for other PUDs that meet required criteria in town. On further consideration, we think it better that the ordinance allow for a PUD only on this designated UNH tract of land. I will confirm with the Town Attorney that this approach is acceptable. Some PUD's are adopted by conditional use or even at the discretion of the Planning Board, but I think it beneficial to review a proposed PUD master plan as a zoning amendment, with review and adoption by the Town Council. That process is more demanding but provides additional vetting. Rochester's old ordinance, since repealed, is enclosed.
- 9) Durham PUD ordinance. Durham had a PUD ordinance years ago but it was repealed in 2002. That old ordinance is enclosed. One might ask why these ordinances were repealed. I cannot speak for Durham but the Rochester ordinance was not particularly successful. Four PUDs were approved. One was not built and three were partially built. They were not as attractive as the original designs. I believe the reason was that the market in Rochester was simply not strong enough for high end development of the type envisioned. On the other hand, I wrote a PUD ordinance for Beaufort County, South Carolina, a sophisticated, affluent, growing community, many years ago. That ordinance was highly successful facilitating a number of outstanding projects.
- 10) Other examples. A consultant to UNH on this undertaking suggested looking at these two examples. I am passing these on for your reference, though they seem to be a little unwieldy in terms of process.
  - a) Tippecanoe County, Indiana. Go to page 108: <http://in-tippecanoecounty.civicplus.com/DocumentCenter/View/553/Unified-Zoning-Ordinance-PDF?bidId=>
  - b) Bloomington Indiana: [https://library.municode.com/in/bloomington/codes/code\\_of\\_ordinances?nodeId=TIT20UNDEOR\\_CH20.04PLUNDEDI](https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT20UNDEOR_CH20.04PLUNDEDI)
- 11) Statute. PUDs are allowed in New Hampshire pursuant to RSA 674:21 Innovative Land Use Controls subsection I. (e) Planned unit development.
- 12) West Edge. The likely location for the project would include the four lots situated between Concord Turnpike and Mast Road and possibly one other outparcel on the southerly side of Mast Road. See the tax map and (old) aerial photo below.

