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**Town Planner's Review**  
**Wednesday, April 15, 2020**

XIII. **Durham Business Park – Zoning Amendment.** Proposal to change density standard for Durham Business Park Zoning District from 35,000 square feet of land per dwelling unit to 20,000 square feet. This zone includes three parcels of land. Recommended by Christine Soutter, Durham Economic Development Director.

- I recommend that the Planning Board set a public hearing on the proposed amendment for April 29.

Please note the following:

Proposed amendment. See the proposed amendment at the bottom and the zoning map below (The DBP zone is shown in brown). The request is simply to change the minimum lot area per dwelling unit in the Durham Business Park zoning district from 35,000 square feet to 20,000 square feet. This change would increase density for multi-unit senior housing by 75% (other residential uses are not permitted). Christine Soutter, Economic Development Director, is requesting the change after consulting with Town Administrator Todd Selig and me. See the enclosed letter from her. Please note that Christine will not attend the Planning Board meetings as I will be able to explain all of the details.

Harmony Homes. See Item IX on the Planning Board agenda regarding the request from John Randolph to postpone his application for a seven-unit building on the Harmony Homes site. The building, which also contains office space and childcare space, would be located on the same parcel as the existing Harmony Homes eldercare building on Briggs Way off Route 4. The applicant's intent is to house employees of Harmony Homes who could then walk a short distance to the facility. We think this is a good plan given the critical housing shortage in general and particularly for health care workers. We understand from Ben Frost, attorney with NH Housing Finance Authority, that it is legal to designate apartments for employees.

Harmony Homes site. The site plan for Harmony Homes was approved by the Planning Board November 18, 2015. The approved plan included the existing 60-bed facility and a second similar facility that is not built yet. The plans contemplated a third facility later in the future but that building is only bookmarked on the site, subject to site plan review. The plans also show a single family/duplex dwelling in the spot where this new 7-unit building is proposed, so the former is no longer planned. See the approved plan below. The single family/duplex is at the lower left. The third facility is shown faintly opposite the driveway from the two main buildings. Note also that the front half of the parcel along Route 4 is protected by a conservation easement.

Harmony Homes density. The site is 28.4 acres (as shown on the plans from Doucet Survey, though the tax card shows it as 26.7 acres). 28.4 acres would allow for 35.3 dwelling units at 35,000 square feet of land per unit. For senior facilities, without dwelling units, four beds counts as one dwelling unit so the site could accommodate 141 beds. There are 60 beds in the current

building. The current density would accommodate a second facility with 60 beds plus a single family/duplex but with significant constraints for the third facility. With a 7-unit building proposed instead of a single family/duplex the second facility could no longer accommodate 60 beds. A note on the approval laid out the number of beds that would be allowed in the future.

It was understood at that time that future development could be constrained and some adjustments (or possibly zoning amendments, at least in my mind) might be needed. It was not a big concern because the plans for the second and third facilities were somewhat speculative contingent upon various factors in the future and it was uncertain how many beds would be incorporated into those buildings.

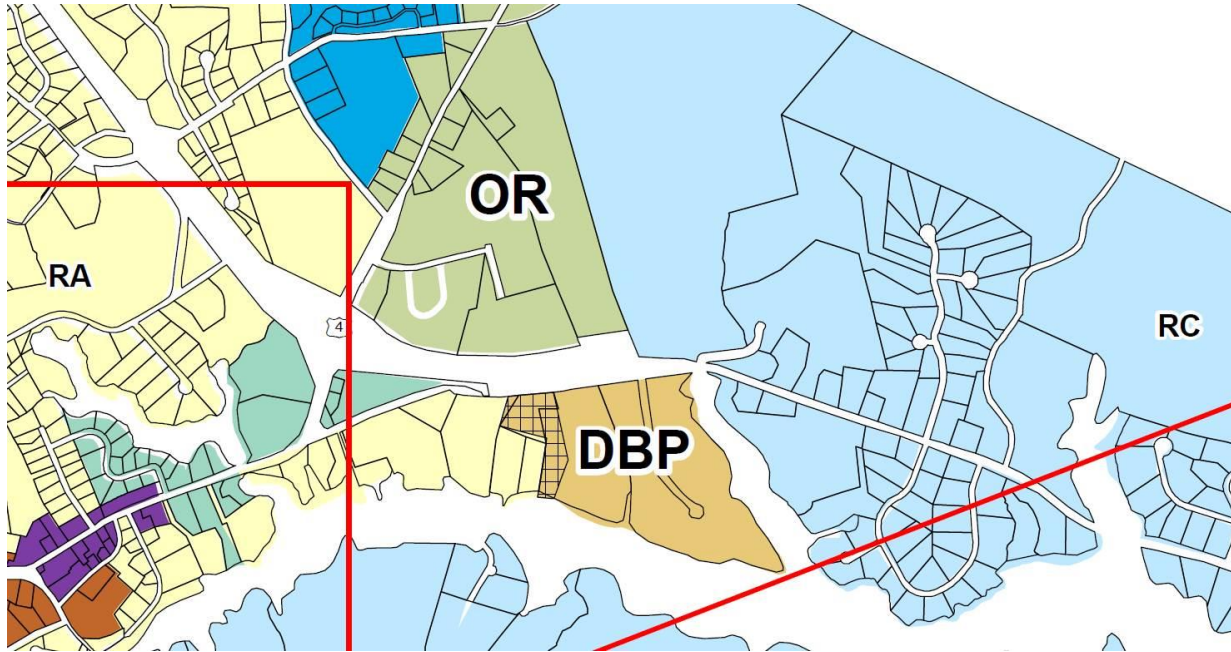
I pointed this out this density constraint to the applicant recently after receiving the application for the 7-unit building. He then questioned whether he should go forward with this project now and with either of the two future facilities. Christine Soutter, Economic Development Director, then became involved. Christine, Todd Selig, and I believe that a simple zoning amendment increasing the density in the zone would address the issue in a reasonable and appropriate manner.

Durham Business Park. There are only three lots in the Durham Business Park zoning district – Harmony Homes, the Town’s Wastewater Treatment Plant, and a vacant 4-acre lot to the west owned by UNH. See the tax map and aerial photo at the bottom (The UNH lot is rendered differently on the tax map and the aerial photo). It is possible that UNH would sell that lot in the future. A buyer might include a few single family lots or a small multiresidential building with a few units. Because there are only three lots in the zone, the impacts of this zoning change would be limited. The change from 35,000 to 20,000 square feet per unit would accommodate two more 60-bed facilities at Harmony Homes along with the seven-unit building.

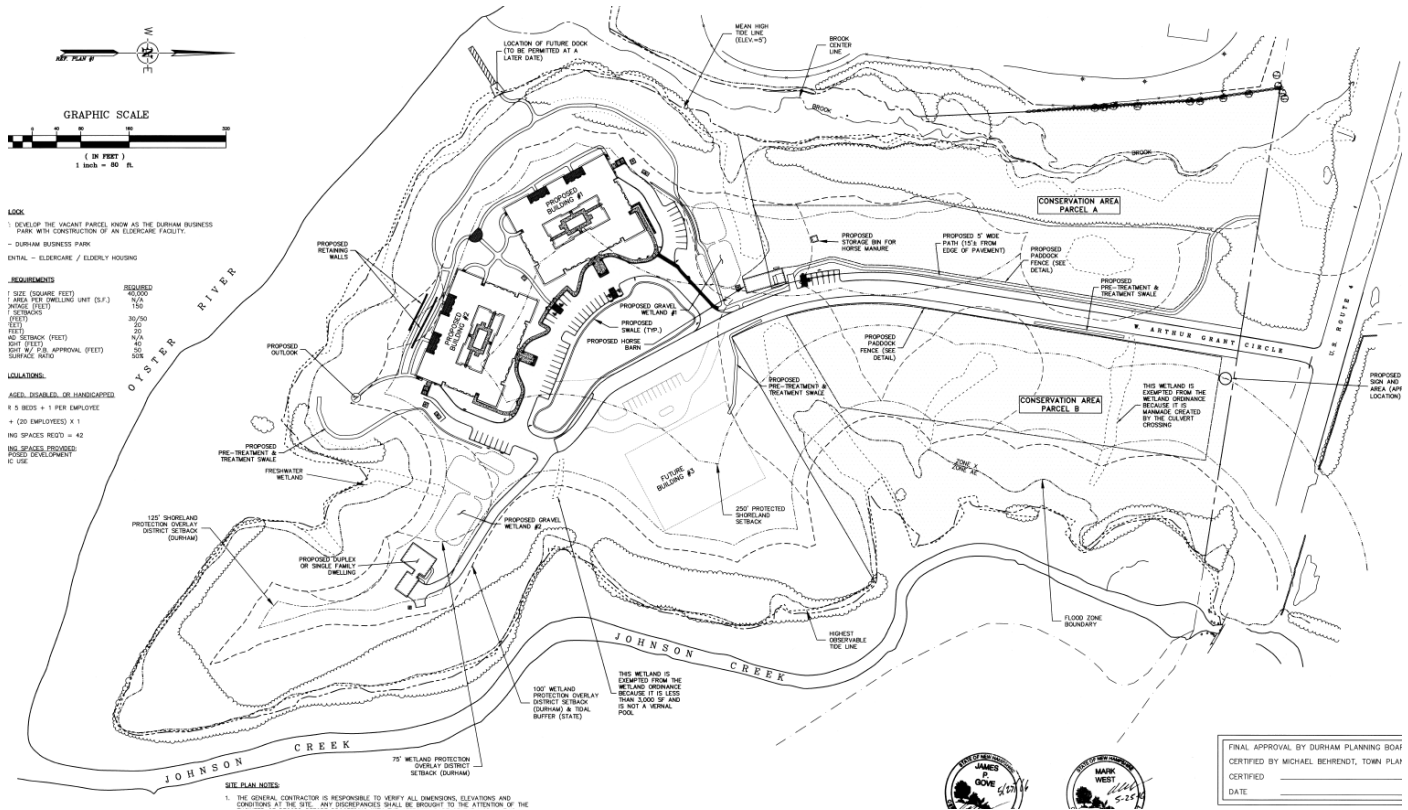
Justification. I believe this change is appropriate for the following reasons:

- As stated above, it would have minimum impact because of the particular properties in the zone.
- A site plan was approved and the property was expected to accommodate the additional facilities for which some kind of future amendment might be needed.
- The proposed change is straightforward and logical. The density would match that of the RA district immediately to the west. The density in the RC zone immediately to the east is far lower (150,000 square feet per unit) but Harmony Homes is fairly well buffered from that zone by Johnson Creek, the shoreland buffer, and woods.
- When the zone was created there were seven separate lots. It was planned to be a park for office, research and development, and light industry. Those plans did not work out in spite of years of marketing efforts. The standard of 35,000 square feet per dwelling unit is unduly restrictive to accommodate a residential use of the type envisioned with Harmony Homes. Town staff only rarely proposes zoning amendments of this type. Most such initiatives come from the economic development director. Christine sees the constraints upon this lot as an economic development issue. There are several public benefits to accommodating the further development of this site. Under circumstances like this it is appropriate for the staff to propose an amendment to facilitate development on a particular lot. This is not “spot zoning” because the change covers a zoning district (albeit a small

one), it makes good planning sense, it is consistent with earlier development expectations for the property, it serves a broader public interest, it is reasonable and measured, and the existing standard is unduly constrained. Note that the Town made two zoning changes in 2015 to facilitate development of this same site: allowing senior housing by conditional use (though the existing eldercare facility is permitted by right) and setting the density standard of 35,000 square feet where there had been none before.







**PROSPECTIVE AMENDMENT – ZONING ORDINANCE**  
**Density in the Durham Business Park Zoning District**

*Proposed addition to current language is shown like this.*

*Proposed deletion of current language is shown like this.*

**ARTICLE XII.1 – USE AND DIMENSIONAL STANDARDS**

**Section 175-54. Table of Dimensions.**

➤ Make the following change for the Durham Business Park (DBP) District:

**Minimum Lot Area per Dwelling Unit in Square Feet** ~~35,000~~ 20,000