

From: gail kelley <gailkelleyo@yahoo.com>
Sent: Tuesday, December 13, 2022 1:53 PM
To: Michael Behrendt <mbehrendt@ci.durham.nh.us>
Subject: letter to post re: zoning changes

To: Durham Planning Board, Durham Town Planner Michael Behrendt
From: Gail Kelley, 11 Gerrish Dr., Durham, NH
Re: Housing Task Force Suggested Changes to Durham Zoning Ordinance
Date: December 13, 2022

At the November 30, 2022, Durham Planning Board Meeting I commented on the proposed changes to the Durham Zoning Ordinance put forward by the Housing Task Force. I did not read from a written statement. What follows is those comments fleshed out. Please post this under Citizen Comments on the Housing Task Force proposed zoning changes.

The Housing Task Force is proposing is an increase in residential density in nearly every zone, with the stated intent being the provision of workforce housing.

As I stated at the November 30, 2022, Planning Board meeting, the scarcity of affordable housing is not a new problem to New Hampshire. From the early 1970s and continuing for nearly a decade, New Hampshire was the fastest growing state east of the Mississippi River for two reasons: no broad-based taxes and little or no zoning. As subdivisions popped up seemingly overnight, particularly in the southern tier of the state, towns discovered they did not have the means to cope with the consequences.

In 1978 I went to work for the Forum on New Hampshire's Future, a nonprofit newly formed by 50 New Hampshire business leaders, officers of higher education institutions, regional and city planners, environmental organization directors, state agency heads, medical professionals, law firms, and building contractors and developers to encourage and support communities to engage in master planning. Only a handful of New Hampshire communities had a master plan at that time. The Forum served as a clearing house for information on what master planning involved and offered towns support in how to go about it. Housing was a major component of that effort.

In two years, the Forum accomplished its goal: the majority of communities in the state, large and small, had put together a master plan or were in the process of doing so. The Forum disbanded. Its director became assistant secretary of commerce in the Reagan

Administration. I went to work for the New Hampshire Committee for Fair Housing, a nonprofit dedicated to enabling low-income people access to housing.

So, I am not anti-development. What I learned during those years is that **providing affordable housing is a complex matter. It cannot be done by simply changing a town's zoning to allow more development on less land. Affordable housing has to be a component of a larger economic development plan, with zoning changes proposed *while* a plan for how to sustain the increased residential population is being devised – based on scientific and economics expertise. Residential development alone will not stabilize property taxes. On the contrary, it is the biggest driver of increased property taxes.**

The zoning changes now proposed will only result in the opposite of what is intended. These changes will enable developers to build more upper income homes, with fewer zoning restrictions to contend with.

Has the town a plan for how to fund the consequences of a building boom in Durham? A plan for covering the **costs of maintenance of more roads and more public works employees and equipment to do the repairs?** How about the **cost of expanded police and fire department coverage?** How much thought has gone into **water supply as droughts and water shortages have already become an annual issue** and will be more severe with the rapid pace of climate change? Town Administrator Todd Selig has already made clear that **expansion of the sewage treatment plant is not planned for the foreseeable future. That leaves community septic systems as the only option for wastewater and sewage management in higher density development on smaller areas of land.** What about the **impacts of those community septic systems on water quality as a result of the proposed relaxed wetland protections**, such as allowing construction in somewhat poorly drained soils, which now constitute wetland buffer zones? **Oyster River Schools are at capacity now. Enrollment at the new middle school, just opened this year, is expected to reach capacity in just ten years. Is Durham prepared to undertake more school construction that soon?**

We learned at the November 30 Planning Board meeting that **the state is backing the legislation requiring all towns to provide workforce housing by offering financial incentives – in the millions.** When Planning Board member James Bubar asked **who those millions will go to**, the answer was typical of New Hampshire fiscal policy. **It will go to developers. Towns will get a one-time payment of \$10,000 per residential unit built. That is only half the cost of one student for one year in the Oyster River School System.** The standard public-school education lasts 13 years, if you count kindergarten. For kindergarten through high school education in Durham, that comes to

\$260,000 per student in today's dollars. New Hampshire's track record of support for public education is pathetic, the lowest in the nation. Yet, the state can afford millions of dollars in incentives to developers, who don't need financial incentives to build, especially in Durham.

Suppose a developer proposes to build rental workforce housing in Durham and receives the financial incentive to do it. Using the excuse of high property taxes in Durham, what's to prevent the developer from pricing the rent of his new units so high that they are unaffordable for workforce residents but nonetheless attractive to nonwork-force renters who have the means to pay or to parents of UNH students who are willing to take on that rental for their children for only four years?

So, the developer makes a handsome profit on top of the workforce housing incentive, and the town still gets the property taxes on that housing. The only losers are members of the workforce looking for a place to live that they can afford – and a neighborhood that used to be free of the all-too-common disturbances of student occupants, disturbances which diminish the desirability of those neighborhoods for permanent residents, thus adversely affecting the property values in such neighborhoods. **There's nothing in the proposed zoning changes to prevent these scenarios.**

All this said, I commend the Housing Task Force for the time and thought it has committed to this issue. Like what I suspect is true of most of Durham residents, I want Durham workforce personnel, whether they be town, school district, local business, or UNH employees, to be able to live in Durham. I appreciate that attention is being paid to this need.

However, the Housing Task Force has not presented the data to support the radical changes to the Zoning Ordinance that it proposes. Nor has it explained how those changes will provide workforce housing without the unintended consequence of more high-price housing instead. Statewide data does not suffice. Durham data is needed.

Durham is unique. No other town in the state has a property-tax-exempt institution the size of UNH within its borders. That does not mean the endeavor to provide workforce housing in Durham should be halted. There are ways to deal with the challenges to this effort without overhauling the Zoning Ordinance, but they require a more comprehensive approach similar to what went into the creation of the master plan, on which the Zoning Ordinance is based.

The scope of the proposed zoning changes calls for much more community input than has taken place so far. Judging from the comments at the November 30 public hearing

(I'm not referring to mine), there is an abundance of expertise and interest in this subject in Durham that the Housing Task Force has not tapped into. This does not diminish what the Task Force has accomplished. The suggestions it is promulgating

provide a solid launch pad for further study. With all due respect for the Task Force's efforts, its membership does not have all the expertise and perspectives needed to adequately deal with the issue of workforce housing.

For these reasons, it is premature to move forward with the proposed zoning changes. I suggest that the Planning Board, possibly with the assistance of Michael Behrendt and Todd Selig, facilitate the formation of a broader study group to build on the work of the Housing Task Force.

Respectfully submitted,
Gail Kelley