

From: [RobinM](#)
To: [Audrey Cline](#); [Karen Edwards](#)
Subject: ZBA public hearing tonight | 74 Main Street | mixed use / commercial space
Date: Tuesday, November 13, 2018 10:22:53 AM

PLEASE FORWARD THIS EMAIL TO THE ZONING BOARD OF ADJUSTMENT.
THANK YOU.

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[RE Petition submitted by Clark Properties LLC, Middleton, New Hampshire on behalf of Town & Campus, Inc., Madbury, New Hampshire for an APPLICATION FOR VARIANCES...to allow] ...**mixed use on the 2nd floor and residential use on the 4th floor of a commercial building, to allow for a 66:33 split between residential and commercial space...** The property involved is shown on Tax Map 2, Lot 14-1, is located at 74 Main Street, and is in the Central Business Zoning District.

Greetings, Members of the ZBA --

First, I would like to note that I appreciate Doug Clark's vision for this site. Were it in a different town, I could support it wholeheartedly, but I have reservations and concern about the impact that granting the variance regarding mixed use, specifically the commercial/residential space ratio, might have on other, future downtown redevelopment projects.

Granting the variance would be counter to the goal of incentivizing commercial space in our very small downtown area, where every square foot should contribute to the needs of the community even as it benefits property owners.

I am opposed to granting a variance to Article II, Section 175-7, Mixed Use. Arguments follow.

Spirit and intent of the ordinance / public interest

Some of us have followed with interest the development of better commercial space -- or the lack thereof -- downtown. At various times, I spoke publicly in favor of zoning changes that would jumpstart this development through the incentives of student housing. I wanted to believe that we would derive therefrom **real** benefits to the community, not just tax benefits. As I recall, we had to **push** the developers of the Madbury Commons and Orion projects to meet the commercial/residential percentages in our zoning regulations. The objection was that they would **never** fill the required commercial space.

Today we find that we are still lacking attractive commercial space, and as the region further builds out, demand may indeed increase for the very space for which the applicant claims there is currently no demand.

We have also experimented with workforce housing at the Grange, hoping to adjust the demographic mix of residents; the experiment failed. I am therefore wary of the applicant's claim that **Creating affordable housing for adults will ensure there is demand from adults.** On the contrary, it is my belief that until we shift the ratio of commercial-to-residential square

footage, a non-student residential demographic is unsustainable. There you have it: a spectrum of beliefs with no supporting evidence.

As I understand it, some of the second floor would be taken up by a staircase and higher ceiling of the ground-floor restaurant. It all sounds grand, but that *air space* does not provide usable commercial space.

Should that *air space* count toward the required commercial square footage?

Hardship

The applicant writes that, *The lot is unique in both its size and location in the downtown core and strictly complying with the requirement to have commercial uses only on the first floor renders the commercial uses of the property impossible.*

What is the supporting evidence for these claims? What are the unique properties of this site that would create hardship? The Board HAS seen applications that DO present arguments for the uniqueness of properties, whether because of topography, wetlands, size, or location. Every property is *unique* in some way, but that uniqueness must rise to the level of hardship. This is not one.

However, I support granting variances to Article XII, Section 175-54. Density and to Article XII, Section 175-56, General Dimensional Standards.

Thank you for consideration of these comments.

Regards,
-- Robin

Robin Mower
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Unless someone like you cares a whole awful lot,
nothing is going to get better. It's not.

-- Theodor Seuss Geisel, author and illustrator

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