

+Proposed Zoning Amendment

WORKFORCE HOUSING OVERLAY DISTRICT

Endorsed by the Planning Board on July 31, 2024

Presented for Public Hearing with Planning Board on August 14 and August 28, 2024

Incorporating recommendations from the Town Planner and responses to comments and questions made by the public about specific provisions

August 22, 2024

Additions to this draft proposed by the Town Planner shown like this.

~~*Deletions to this draft proposed by the Town Planner shown like this.*~~

[Comments from the Town Planner are shown like this.]

Proposals for specific additions to language proposed by others are shown like this

[Comments and questions from others, referring to specific provisions of this draft, not general comments, are shown like this.]

1) **ARTICLE II - DEFINITIONS**

❖ Add the following new definitions, in alphabetical order, in Article II. DEFINITIONS.

MISSING MIDDLE HOUSING – Types of housing traditionally built in New England that are intended to fill the gap in types of residential dwellings between single family houses (on their own lots) on one end and large apartment buildings and complexes on the other end. Missing middle housing includes duplexes, triplexes, triple deckers, quadraplexes, townhouses, rowhouses, single dwelling units not located on their own lot, tiny houses, cottage/bungalow courts, small courtyard apartment buildings, accessory dwelling units, and apartments over stores. Missing middle housing does not include any individual building with more than eight dwelling units.

[See Section E. below. I think it worthwhile to restrict multifamily to missing middle housing in order to avoid the construction of huge apartment buildings surrounded by large parking lot.]

WORKFORCE HOUSING – Housing which is designed to provide a broad range of living options, including a variety of dwelling types at affordable prices, that meet the needs of families and individuals representing New Hampshire’s diverse workforce. Workforce is intended also to accommodate those of moderate means who are not currently employed.

~~*WORKFORCE HOUSING—Housing which si designed to provide a broad range of living options that meets the needs of familis and inviduals that represent the majority of New*~~

~~Hampshire's diverse workforce. Workforce housing projects often include a variety of dwelling types suitable for households with different needs and income levels.~~

[For discussion. I think the original definition needs to be reworked some.]

[From Joe Friedman. "Article I: change 'meets' to meet in the second line. In the phrase '...that represent the majority of NH's diverse workforce' it seems to imply that it is only for the majority."]

2) **ARTICLE XVIII – PERSONAL WIRELESS SERVICE FACILITIES OVERLAY DISTRICT**

[Note only: These changes to Article XVIII are nonsubstantive formatting changes only to enhance the overall numbering of the ordinance.]

- ❖ Make the following changes:
 - Change the title of Section 175-99 to Purpose and Applicability
 - Delete heading "175-100. Applicability."
 - Identify the first paragraph, starting, "It is the express purpose..." as A.
 - Identify the new second paragraph in Section 175-99, starting, "The terms of this Article..." as B.
 - Renumber the remaining sections as 175-100 to 175-05.

3) **ARTICLE XVIII.1 - WORKFORCE HOUSING OVERLAY DISTRICT**

- ❖ Add the following new article.

ARTICLE XVIII.1 WORKFORCE HOUSING OVERLAY DISTRICT

[James Bubar. "A general comment, why is this labeled a Workforce Housing Overlay District when much of the purpose is calling for affordable housing?"]

175-106. Workforce Housing Overlay District

The following provisions apply to the Workforce Housing Overlay District.

- A. Purpose of the Workforce Housing Overlay District.** The Workforce Housing Overlay District (WHOD) is an overlay district intended to:

[James Bubar. "'... an overlay ...' seems redundant to use a term in definition of a term, I would replace this with 'a' ".]

1. provide reasonable and realistic ~~opportunity~~ *opportunities* for the development of workforce and affordable housing;

[James Bubar. “Why is ‘affordable housing’ being used as part of the purpose for Workforce Housing?”]

[The reason to also include “affordable housing” is that the goal is not exclusively to serve people in the workforce, though that is an important component. The definitions refer to different matters and are rather fluid so including “affordable” enriches the purpose statement.]

2. ensure the availability of a diverse supply of rental opportunities;

[From Joe Friedman: “Article 3.A.2: I believe a sale option would be a very important part of any Workforce Housing Zoning Amendment. There are ways to allow workers to buy homes that are set aside for workforce housing. In Silverthorne, Colorado for instance, they had a workforce housing development for county workers that “won” a lottery to buy those homes and live in the community where they work. There is an income standard they must fit into. They are limited on any resale with the amount of profit they can take at any time. The maximum resale has caps of 2-3% per year on any profit. Workers are required to work 30 hours per week for the county. It has allowed those workers to own their homes and be fully invested in their community.”]

[James Bubar. “Why are ownership units precluded?”]

[I strongly recommend leaving this part as it is. The Planning Board debated this issue at great length. Here are the reasons to allow rental only:

- 1) It is much easier to develop and maintain housing that is only rental. We can develop more housing and do so faster with just rental. This is what Dover has done and it has worked well for them.
- 2) Having a mix of rental and condos adds complexity. Including houses on separate lots adds more complexity still with lot requirements and frontage on roads.
- 3) The ordinance cannot do all things. The main goal is to create a healthy number of units not to promote the nice things that can come with ownership. The existing conservation subdivision would accommodate ownership for workforce housing.
- 4) Most significantly, it is fairly easy to maintain the fair market rent limit in perpetuity. There is minimal annual reporting required from the developer. We want to retain affordability in perpetuity. For units that are sold it is difficult to do this – having a small cap on resale. This goes in the deeds. How is it overseen and enforced when somebody resells a unit or a house? It is difficult to do with our limited resources. And any units for sale should definitely have small resale caps. We want units to stay affordable in perpetuity and we do not want to create windfalls for one lucky buyer and then lose affordability.

5) **If accommodating affordable units for sale is important then let's look at a different ordinance to encourage that.]**

3. provide an adequate supply of affordable housing in Durham as set forth in the Town's 2015 and 2018 Master Plan including the Demographics and Housing Chapter (<https://www.ci.durham.nh.us/planning/master-plan-2015>) and the Town's May 2024 Housing Needs Assessment (<https://www.ci.durham.nh.us/bc-housingtaskforce>); and
4. address the regional need for workforce housing as documented in the Strafford Regional Planning Commission's Housing Needs Assessment (https://strafford.org/uploads/documents/plans/rpc/rhna_2023.pdf) as updated.

[James Bubar. Regarding 3. and 3., "Interesting background but unnecessary for the Ordinance when and if it is approved."]

[Audrey Cline. "My only comment is that I would not use the links in the ordinance, as they may change."]

- B. Authority.** The Town of Durham adopts this Workforce Housing Overlay District and related sections in this Zoning Ordinance under the authority of ***RSA 674:15-18 Purpose of Zoning Ordinance***, RSA 674:58-61 Workforce Housing and RSA 674:21, Innovative Land Use Controls.
- C. Applicability.** The provisions of the Workforce Housing Overlay District apply to the following areas of Durham:
 1. The entirety of the land zoned Office and Research District – Route 108 (OR) that is situated on the easterly side of Dover Road/Route 108.
 2. All portions of the lot identified as Map 209, Lot 39, ***currently zoned Residence Coastal***, that are situated westerly of the ordinary high water mark on the westerly side of Johnson Creek.

[Nancy Sandberg. "We don't want to sacrifice any portion of the Rural Coastal Zone that protects surface waters and creeks flowing into the estuary."]

3. ~~***All of the land zoned Office Research Light Industry (ORLI) that is situated on the northerly side of Mast Road/Route 155A. This includes all of the land zoned Office Research Light Industry (ORLI) that is situated on the northerly/westerly side of Route 4.***~~

All of the land zoned Office Research Light Industry (ORLI) that is bound as follows: by U. S. Route 4 on the southerly and easterly sides (including the

small spur at the easterly end); by Beech Hill Road on the northerly side; and by the Durham and Lee municipal boundary on the westerly side.

[I recommend trimming back this part of the overlay district because there was a lot of sensitivity expressed for including land along Mast Road in the ordinance. This would also remove the 8-acre parcel in ORLI on the easterly side along train tracks that is separated from the rest of this section of ORLI, for simplicity. See map on the last page.]

[Nancy Sandberg. “We don’t want to ruin our gateways into Durham.”]

[Beth Olshansky. “Please clarify what land in ORLI is included in this workforce overlay. I am not sure if Mast Road is involved. If so, I am strongly opposed to any further degradation of that pastoral gateway.”]

The references above are made as of the date ~~in 2024~~ when this amendment is adopted. Should any of the pertinent land be rezoned in the future or changes to map and lot numbers be made the specific lands identified as being part of the overlay district included at the time of adoption of this overlay district shall not change unless a specific zoning amendment is made in the future to that effect.

[James Bubar. “The references above are made as of the date in 2024. . . First off, thinking this will be approved in 2024 is optimistic, Second, when and if this ordinance is approved this sentence is meaningless as the date approved, as with all other ordinances, is the effective date for the ordinance.”]

The Workforce Housing Overlay District is depicted on the map identified as Workforce Housing Overlay District – Supplement to Official Zoning Map. In case of any conflict between the description above and the rendering on the map, the description of the zone, above, will prevail.

[Joe Friedman. “Article 3.C: 2nd to last paragraph: The map referred to is not very clear as to the locations. There are no street names anywhere on these maps.”]

[We now have a proper map prepared by the GIS Specialist. I also added another map to the website showing road names.]

Any parcel of land located in the overlay district may be developed as a workforce housing project by right at the option of the landowner pursuant to the provisions of this article.

- D. Workforce Housing Option under Conservation Subdivisions.** Special provisions for workforce housing that is part of a conservation subdivision are given in Article XIX - Conservation Subdivisions. ~~That provision is~~ *Those provisions are* entirely

independent from this overlay district and neither may be applied to the other nor may the two be combined in any manner.

E. Dwelling Units. Within a project developed under this ordinance:

1. No single family house lot may be created.

[Some people questioned this provision. See my response under A. Purpose 2., above.]

2. Units shall be offered exclusively for rent, not for sale.

[Nancy Sandberg. “We want to create opportunities for Durham workers to be able to own or rent housing as they work serving the community’s needs.”]

3. Bedrooms. *No units may contain more than three bedrooms. The number of three-bedroom units may not exceed 1/3 of the total number of dwelling units in the project. Otherwise, the ~~The~~ mix of units by number of bedrooms is set at the discretion of the applicant. ~~However, no units may contain more than three bedrooms.~~ A mix of studios, and one- two- and three- bedroom units is encouraged.*

[Some concerns were expressed about the possibility of there being a preponderance of three-bedroom units. It seems reasonable to limit the number. Alternatively, the maximum could be set at 40% rather than 1/3.]

~~4. Housing Types. Residential units in a workforce housing development may be developed as multifamily dwellings. Multifamily dwelling here means any type of dwelling unit except for a single family house on its own lot, including single dwelling units (on the same lot), duplexes, triplexes, townhouses, flats, multi-unit structures, cottage courts, tiny houses, etc. A mix of housing types and unit sizes arranged in different configurations is encouraged but not required.~~

4. Housing Types. Residential units in a workforce housing development are restricted to missing middle housing types only (See Definition). A mix of housing types and unit sizes arranged in different configurations is encouraged but not required.

[Should there be a requirement that more than one housing type be incorporated based upon the size of a project?]

[Housing Task Force. Change language in the first line (in red above) to “...shall be developed as multifamily dwellings as follows.”]

F. HUD Fair Market Rent. Rent levels are established for all workforce housing units based upon the U. S. Housing and Urban Development (“HUD”) Fair Market Rent which is set based on the number of bedrooms in a unit. The rent levels are reset by HUD every year. The fair market rent (or some percentage of the fair market rent, below) is the figure for which the unit is offered. It does not consider other costs to tenants.

Rents may be set at the discretion of the property owner provided:

1. Most units will likely be rented at the HUD Fair Market Rent with the exceptions in 2. and 3., below.
2. There is some flexibility in setting rent levels. Each unit shall be rented at some percentage of the HUD Fair Market Rent, e.g., exactly at HUD Fair Market Rent which would be 100%, at 80%, etc. The average of all of the percentages for all of the units in the project (independent of the number of bedrooms in units) shall not exceed 100%. (For example: 10 units are rented at 100% of the HUD Fair Market Rent level, 5 units are rented at 60% of HUD Fair Market Rent, and 5 units are rented at 120% of HUD Fair Market Rent. The average of those percentages is 95% which would be in compliance since the average is less than 100%.)
3. At least 20% of the overall number of units (independent of the size of the units) shall be rented at 80% of HUD Fair Market Rent level or less.

[Joe Friedman. “Article 3.F.2 and 3: 3.F.2 is not clear to me what the rules are. Article 3.F.3 is very clear.”]

[The maximum rent is generally the HUD Fair Market Rent set by number of bedrooms. But the board introduced a creative twist to accommodate some higher rents and some lower ones. This allows some diversity in population/affluence and allows the owner to rent to some who cannot afford the HUD rent by compensating with some higher rents.]

G. Housing Vouchers. Property owners must be willing to accept Section 8/Housing Vouchers for payment of rent provided the total amount of rent paid for a unit is consistent with the established rent for the unit. This provision does not require that priority be given to Section 8/Housing Vouchers, but only that the property owner **must** be willing to accept them.

[James Bubar. “Is there a definition of Section/8 Housing vouchers?”]

- H. Housing Guarantees.** The primary purpose of this overlay district is to provide housing for members of the workforce and the community. The property owner shall not accept guarantees from third parties *to ensure payment if those third parties who* do not live in the unit ~~*to ensure payment of rent*~~ (This provision does not apply to Section 8/Housing Vouchers).

[Joe Friedman. “Article 3.H: Why would we restrict third party guarantees from those that don't live in the unit? Third party guarantees for instance from parents, is how many people have been able to obtain mortgages to buy homes. Third party guarantees are also used frequently in renting properties too. And if Section 8/ Housing Vouchers are ok, why not third party guarantees?”]

[By not allowing guarantees on renters this reduces having full time students who are not working, a concern of many. We want to allow housing vouchers but avoid this becoming a student development. That is a good strategy to do that.]

[James Bubar. “What happened to references to ‘affordable’ “?”]

- I. Allowed Uses.** The uses allowed in any project developed under this overlay district are the residential uses specified in this section, all uses allowed in the underlying zoning district, day care centers, and common accessory uses to these uses (such as a clubhouse and outdoor recreation serving residents). Institutional Uses, Offices, Restaurants, and small Retail Stores (with less than 5,000 gross square feet), are allowed by conditional use (unless allowed by right in the underlying zoning district).
- J. Density and Dimensional Standards.** The dimensional standards specified for the Church Hill District shall apply to any project developed under this overlay district *that meets Zone 6 requirements of the most recent International Energy Conservation Code and sources all energy from electric or renewable sources. For projects that do not meet Zone 6 requirements of the most recent International Energy Conservation Code or that rely on non-electric, non-renewable energy sources, the dimensional standards of the underlying district will apply (ex: RA, PO).*

Developers are encouraged to look into the \$1,000-5,000 per unit ZERH tax credits and Energy Star Certified tax credits (see <https://www.energy.gov/eere/buildings/section-45l-tax-credits-zero-energy-ready-homes> and <https://www.energystar.gov/about/federal-tax-credits/ss-45l-tax-credits-home-builders>).

[Em Friedrichs and the Energy Committee recommend adding this language above.]

[James Bubar. “Seems cumbersome, why not drop the reference to Church Hill, which theoretically could change, and spell it all out here?”]

[Several people asked why there is a reference here to the Church Hill District since the overlay district does not affect the Church Hill District. We need to include dimensional parameters for the overlay district, just by chance, most of the parameters in that district seemed the best fit.]

[Joe Friedman. “Article 3.J: Why was the Church Hill District dimensional standard chosen for this type of housing? It seems that the overlay districts proposed look nothing like the Church Hill District. And why are only 3 stories allowed? This would encourage sprawl, be considerably less economic to build and goes against the Town's stated climate goals. It is most efficient to build 4 and 5 story buildings for workforce housing. The reason that we see so many new 4 and 5 story new housing complexes in our region, our state and where we travel in the US is because the Building Codes are very different above 5 stories. It is much more expensive to build units greater than 5 stories tall. The 4th and 5th floors could be set back from streets and be offered as bonus incentives to build workforce housing into market rate developments.”]

[The maximum number of stories is 3, and 4 stories if the building is set back from any lot line at least 100 feet. We could theoretically allow taller buildings but the overlay zone is in an outer area where lower buildings are most appropriate. The public probably does not want to see the buildings from the street nor from the lot lines and 5 story buildings could be quite visible.]

However, the two provisions *regarding building height* in the Table of Dimensions ~~*regarding building height*~~ do not apply *and there are additional setback requirements, given under Buffers, below*. The maximum height for any building is three stories. The maximum height for any building is four stories if that building is set back at least 100 feet from any property line.

- The density standard is established for the overall site based upon lot area per dwelling unit.
- Wetlands and areas of open water do not count toward the density calculation.

[One resident expressed concern about potentially having three-story buildings on Dover Road. The Office Research District allows 50 foot high buildings by right and 75 foot high buildings by conditional use, allowances higher than a three-story building.]

[James Bubar. “Do the Wetland include the ‘then current’ setbacks or is it just with the wetland reference line?”]

[“Wetlands” here refers only to the actual jurisdictional wetland, not to any adjacent buffers.]

- The maximum number of dwelling units for any workforce housing development is 200 units. This maximum applies to any individual lot or tract proposed for a project, including any project to be developed in phases.

Appropriate restrictions may be specified for any project to prevent pre-emptory subdivision that might circumvent this provision. The Planning Board may approve more than 200 units in a project by conditional use.

[Joe Friedman. “Also, the maximum # of units being capped at 200 seems arbitrary and not necessarily fair. This would indicate that whether the property is 50 or 200 acres for instance, they would both be capped at this artificial number of units. The number of units should be related to the buildable land on a property.”]

[We should have a cap because at least one lot is very large. People in the public hearing were a little taken aback at the 200 figure (even though that is a maximum) so I don't think it wise to try to raise that. An applicant could go higher than 200 by conditional use if all concerns were met. Even if there were one large parcel, such as the Keefe property if we allowed say 300 units people would be quite resistant. That is a lot of units and could have a big impact on the town. Even with a 100 acre lot, allowing 200 units is certainly generous and reasonable, given how tight Durham's zoning is otherwise. The number of units that could be built on a lot will still be closely related to the lot size. With a requirement for 60% open space on any lot it would be hard to build to the allowed density for almost any lot (4,200 square feet of land minus wetlands and open water).]

There is no density bonus for senior residential units. Section 175-57 A. I. Density for senior residential units does not apply to projects developed under this overlay district.

K. *Setbacks and Buffers.* The proposed development shall be set back a minimum of whichever distance is greater in 1. and 2.:

1. *30 feet from any lot line.*
2. *One foot for every dwelling unit from any public street and one half foot for every dwelling unit from any lot with a single-family house or any vacant lot with residential zoning.*

Depending on the location and characteristics of the proposed development, the surrounding properties, and the adjacent roads, *in addition to the setbacks established above*, the Planning Board may require that the developed area be ~~set-back-or-buffered~~ *substantially buffered* from surrounding property and the adjacent roads.

[Joe Friedman. “Article 3.P: These buffer standards are unclear and arbitrary. What does "buffered substantially" mean? And when exactly does it apply?”]

[The Town Attorney recommended incorporating more specific standards for the buffers. Here are suggested standards for setbacks. The board can require additional buffering within those setbacks as appropriate. This had been subsection P. I moved it up so that it followed Density and Dimensional Standards.]

- K. Other Zoning Parameters.** All other standards in the Zoning Ordinance shall apply to a project unless superseded by a specific provision in this overlay district. The limitation allowing for a maximum of three unrelated occupants in a dwelling unit does not apply to any project developed through this overlay district.

[Joe Friedman. “Article 3K: Why does the maximum ‘3 unrelateds’ no longer apply in these overlay districts only? It does look like Durham's ‘3 unrelateds’ ordinance is under attack by the State Legislature and the Planning Board is considering changing it.”]

[Matt Komonchak. “...I was also curious as to why the proposed workforce housing overlay district would not be subject to Durham's ‘three unrelated rule’ “.]

[The Planning Board did not think it necessary to include this provision. It is not anticipated that many undergraduate students would live here because the sites are a little distance from UNH, we have built a lot of new student housing in recent years, enrollment is flat, rent levels are fixed so a landlord could not get extra rent filling up a unit, and other tenants would likely police any inappropriate behavior.]

- L. Low Income Housing Tax Credit project.** The Planning Board may approve by conditional use any departure from this article and from the Zoning Ordinance to accommodate a project proposed to be funded through the Low Income Housing Tax Credit, where any requirement of the tax credit program is inconsistent with this article or the Zoning Ordinance.
- M. Perpetuity.** All workforce housing units must remain affordable as workforce units in perpetuity in accordance with HUD figures and the conditions of project approval. As part of any project, appropriate provisions, such as deed restrictions or easements, shall be incorporated to carry out this requirement. The Town of Durham or their agents may require periodic reporting and audits at its option.
- N. Site Plan and Subdivision Regulations.** A workforce housing project developed under this overlay district is exempt from Article XIX – Conservation Subdivisions and from all sections under the Subdivision Regulations related to conservation subdivisions. Where there is no subdivision into separate lots of land a project is reviewed under the Site Plan Regulations. Separate components of a project may be subdivided into separate parcels as part of phasing of a project or an overall development plan, in which case creation of new parcels will be reviewed as a subdivision under pertinent elements of the Subdivision Regulations. Lots which are not intended to be part of a workforce housing development may be subdivided from the parent parcel of land provided that portion of the development complies with other applicable requirements.

- O. Topography and Open Space.** A full topographic survey shall be prepared. A minimum of 60% of the gross acreage of the parcel shall be set aside as permanent open space. The applicant shall prepare an open space plan providing for the appropriate use, maintenance, and protection of the open space to be approved by the Planning Board. On sites where both Town water and sewer are not available the applicant shall prepare a HISS analysis of the entire site. A HISS analysis is not required when both Town water and sewer are available.

The Planning Board will determine which portions of the parcel will be set aside for open space in order to optimally preserve natural and cultural resources, enhance forest management, and provide opportunities for agriculture and passive recreation in accordance with criteria a. through g. under Article XIX. Conservation Subdivisions, Section 175-107, Subsection H. Common Open Space, Subsection 3.

~~*Standards in the Conservation Subdivision shall serve as guidance for determining which land shall be set aside for open space.*~~

[The Town Attorney recommends that more specific standards be established for selecting the open space to be preserved. I suggest the change above.]

[Durham Agricultural Commission. The commission recommends against adoption of the overall ordinance. However, this excerpt from their letter can provide ideas for use of preserved open space within a project for agriculture: “The Durham Agricultural Commission recommends that in addition to moving the overlay district to the downtown area, there are serious considerations made about the best use of the prime agricultural lands on which the proposed overlay district would lie. For example, these may include initiating conversations with UNH’s agricultural research and teaching units to determine how to the Town and University can leverage their special relationship to further both the land-grant mission of the institution while making productive use of the land, such as potentially leasing the land proposed within the overlay district for agricultural research, demonstration, and instruction purposes.”]

- Q. Design.** The Planning Board shall use its judgment in reviewing the proposed design, layout, and density of the project to ensure a harmonious living environment for the future residents. ~~*The project shall incorporate sidewalks, footpaths, and trails to promote walkability through the development and open spaces areas, as appropriate.*~~

- 1. All residential buildings must front a pedestrian-oriented street or way and not simply a parking lot.*
- 2. All residential buildings must form an attractive, pedestrian-oriented ensemble.*
- 3. There must be a network of streets or ways allowing for pleasant pedestrian movement through the site.*

4. All parking areas must be broken up into smaller areas or with sufficient landscaping to avoid large expanses of parking.

[I recommend adding these provisions or comparable. I realized that there was not sufficient language in the prior draft to prevent the construction of large monolithic apartment buildings fronting large parking lots. The Town Attorney also recommended incorporating more specific language about sidewalks and pedestrian paths.]

- R. Parking and Transportation.** The applicant shall develop a transportation plan for the project pursuant to Article 11 – Pedestrian, Bicycle, and Transit Facility Standards in the Site Plan Regulations. The minimum number of parking spaces required for any dwelling unit is one.
- S. Infrastructure.** Roads, water and sewer infrastructure, and other infrastructure shall be owned and maintained by the developer or by the Town of Durham as determined by the Planning Board *in consultation with the Town Administrator and Durham Public Works Department (and/or the Town Council pursuant to other applicable law).*

[James Bubar. “This is essentially saying ‘whatever’.”]

[Mal Sandberg. He said this determination should be made by the Town Council.]

[Typically the determination about infrastructure is made by the Planning Board in the course of site plan or subdivision review. The roads in most subdivisions are approved as public streets subject to acceptance by the Town Council. Could the Town Council decide to not accept the streets after approval of the subdivision? Probably, but there would need to be very unusual circumstances.]

- T. Incentives.** The Planning Board may negotiate with the applicant to allow for additional density in exchange for inclusion of various elements that will enhance the quality of the project, including, but not limited to, additional open space, recreation facilities, trail networks, transportation connections, and sustainability measures, and a reduction in the average rent level significantly below 100% of the HUD Fair Market level. This bonus should not be provided for elements that would likely be incorporated in the regular course of site plan review. The maximum increase in density allowed under this provision is 20%. This allowance could also be used to raise the threshold of 200 units beyond which a conditional use would be required.

4) **ARTICLE XIX - CONSERVATION SUBDIVISIONS**

- ❖ Add the following new provision under **Section 175-107. Conservation Subdivisions** at the end of **C. Exempt Subdivisions**:

- 5. Any subdivision created under **Article XVIII.1 Workforce Housing Overlay District**.

- ❖ Under **Section 175-107.1 Workforce Housing Option**, change the title of the section and insert a new paragraph without a letter designation right below the title as follows:

175-107.1 Workforce Housing in a Conservation Subdivision

Applicants who seek to incorporate workforce housing into a conservation subdivision shall follow the procedures laid out in this section. Workforce housing developed under this section is entirely separate from workforce housing developed under the Workforce Housing Overlay District.

- ❖ Under **Section 175-107.1 Workforce Housing Option**, replace F. Density Incentive, in entirety with the following:

F. Density Incentive. In determining the maximum number of workforce housing dwelling units that are allowed in a conservation subdivision, these standards apply:

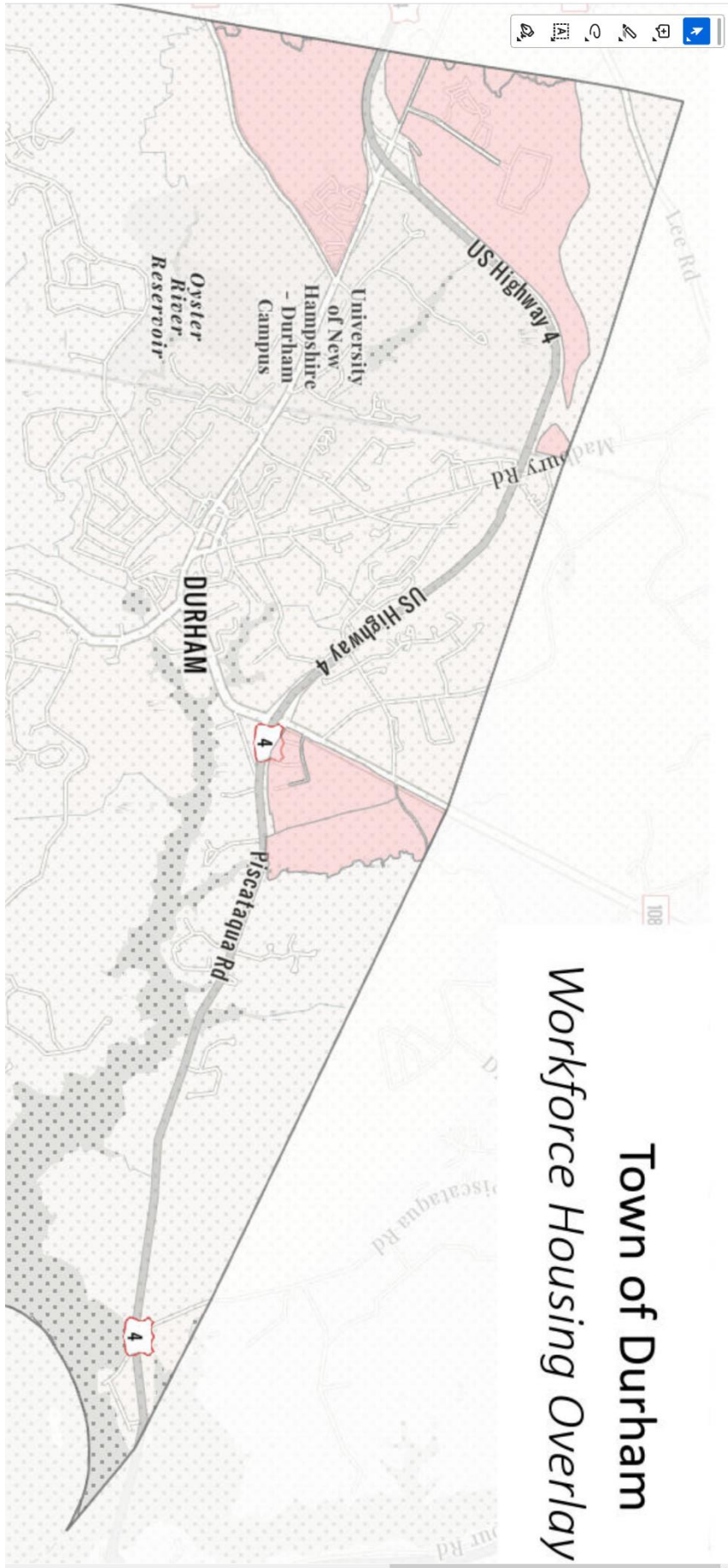
1. A workforce housing dwelling unit containing one bedroom or a studio unit without a separate bedroom counts as 0.33 dwelling units for the purpose of the density calculation; and
2. A workforce housing dwelling unit containing two or more bedrooms counts as 0.50 dwelling units for the purpose of the density calculation;

5) **ZONING MAP*****

- ❖ Rezone the lots as shown on the Zoning Map on the next page and as specified under Applicability above. *[See map produced on the Town GIS and the same map hand drawn on the following page.]*

[I recommend reducing the area of ORLI that is included, as follows from the applicability section above. This would eliminate the portion to the south, south of Route 4 and Main Street/Concord Turnpike. It would also eliminate the small separate parcel at the northeast.

“All of the land zoned Office Research Light Industry (ORLI) that is bound as follows: by U. S. Route 4 on the southerly and easterly sides (including the small spur at the easterly end); by Beech Hill Road on the northerly side; and by the Durham and Lee municipal boundary on the westerly side.”]



PROPOSED WORKFORCE HOUSING OVERLAY DISTRICT

