

# CITY OF SOMERSWORTH LAND USE REGULATION AUDIT

## Audit Report



Strafford Regional Planning Commission  
July 2024



# Somersworth Land Use Regulation Audit Report

## Introduction

The City of Somersworth applied for and received Housing Opportunity Planning (HOP) funding for the purpose of updating the Housing Chapter of the Master Plan and a regulatory audit to identify areas for improvement in the city’s land use regulation, primarily its zoning ordinance and map. The Strafford Regional Planning Commission (SRPC) was tasked with conducting this audit. SRPC staff had several input opportunities from both the chapter drafting and audit preparation processes to guide efforts, resulting in four audit themes. These input opportunities included a survey, workshops with the community, the Planning Board, the newly formed Mayor’s Housing Task Force, and regular communication and exchange of ideas with City staff.

## Acknowledgments

This audit was made possible by the Housing Opportunity Planning grant series by the New Hampshire Housing Finance Authority (NHHFA) and InvestNH.

SRPC staff wishes to thank the land use boards of the City of Somersworth for their time, feedback, and for sharing their experiences. SRPC staff wishes to thank the City of Somersworth Planning Department staff for arranging opportunities to speak with the city’s boards and commissions and for relaying valuable knowledge and history of the current regulations in the City.

SRPC staff who contributed to this audit include:

- Jen Czysz, Executive Director
- Angie Cleveland, Principal Planner
- Mark Davie, Senior Planner
- Blair Haney, Principal Planner
- Jackson Rand, Senior GIS Planner



# Table of Contents

<b>Introduction</b>	<b>i</b>
Acknowledgments	i
<b>Table of Contents</b>	<b>ii</b>
<b>Research and Process</b>	<b>1</b>
Master Plan Goals	1
Community Engagement	1
City Board & Commission Engagement	2
Buildout Analysis	2
Conclusions	7
<b>Key Approaches to Improving Housing Opportunities</b>	<b>8</b>
1: Ordinance Organization & Zoning Map Changes	9
2: Infill Development and Conversion of Existing Structures	16
3: Diversify Housing Types	20
4: Site Plan & Subdivision Regulations, General Recommendations, and Best Practices	22
<b>Priority Actions</b>	<b>26</b>
Priority Action 1: Rearrange Districts	28
Priority Action 2: Recategorization of Multifamily Structures	31
Priority Action 3: Planned Unit Development (PUD)	36
<b>Scenario Modeling Results</b>	<b>41</b>
<b>Glossary and Appendices</b>	<b>49</b>
Glossary	50
Appendix 1: Compiled Responses from Developer Interviews	54
Appendix 2: Land Use Boards Ranking of Audit Recommendations	56
Appendix 3: Abbreviated ZBA Requests 2018 to 2023	61

## List of Figures

Figure 1 – Current Zoning Map.....	3
Figure 2 – Current Zoning and Overlay Districts (downtown detail).....	4
Figure 3 – Existing Conditions Full Buildout (2031).....	5
Figure 4 – Existing Conditions Nonconforming Lots.....	6
Figure 5 – Scenario 2 Proposed Zoning Map .....	34
Figure 6 – Scenario 2 Proposed Zoning Map (downtown detail) .....	35
Figure 7 – Site plan of Woodmont Commons .....	37
Figure 8 – Market & Main Site Plan .....	38
Figure 9 – Market & Main Renderings.....	39
Figure 10 – Scenario 1 Partial Buildout (2035) .....	43
Figure 11 – Scenario 1 Nonconforming Lots.....	44
Figure 12 – Scenario 2 Proposed Zoning Map.....	45
Figure 13 – Scenario 2 Proposed Zoning Map (downtown detail) .....	46
Figure 14 - Scenario 2 Partial Buildout (2035).....	47
Figure 15 – Scenario 2 Nonconforming Lots.....	48

# Research and Process

## Master Plan Goals

The 2024 Housing Master Plan Chapter yielded actions and strategies organized according to the following goal areas. Each recommendation from the audit has a respective master plan goal or goals noted.

- Goal 1: Encourage development of diverse and accessible housing types.
- Goal 2: Maintain existing housing stock.
- Goal 3: Concentrate housing development along existing corridors/densely populated areas for easy access to transportation.
- Goal 4: Allow for mixed-use development nodes in more locations around the City.
- Goal 5: Revitalize downtown as a place to live, visit and do business.
- Goal 6: Create housing, infrastructure and programs that allow residents to age in Somersworth.

## Community Engagement

SRPC held a focus group discussion in November 2023 and conducted interviews with local developers in January 2024. These groups largely reiterated concerns from the housing chapter (see more in Appendix 1):

- A mix of housing types.
- A desire for community amenities and businesses that attract new residents in their own right.
- Adaptability for all age ranges.
- Reduction in “red tape” across the application, approval, and permitting processes in the City.

A mix of housing types is desired both in terms of cost and typologies. Many middle-income households who are priced out of home ownership likely do not qualify for subsidized and/or income-restricted housing. There is a need for more housing types than single-family homes, duplexes, and large (20+ unit or more) apartment complexes.<sup>1</sup> There is a need for more than studio or 1-bedroom apartments and a need for “starter”-sized single-family homes, generally under 1,400 square feet.

Participants cited that Somersworth has historically taken on a “bedroom community” role due to historically more affordable housing stock than other Seacoast employment hubs such as Dover, Durham, and Portsmouth. In taking on major efforts to address the national, state, and local housing crisis, community members stated they would like to see efforts to purposely attract new residents to Somersworth, by encouraging walkability, placemaking, and local business.

---

<sup>1</sup> See “Missing Middle” in Glossary.

## **City Board & Commission Engagement**

SRPC presented an early version of Key Approaches to Improving Housing Opportunities (below) to the Somersworth Planning Board in April 2024. This was supplemented with an abbreviated history of frequent variance requests (Appendix 3) in Somersworth and buildout analysis results.

Following this workshop meeting, SRPC distributed these initial findings to the City Council, land use boards, and the Mayor's Housing Task Force. Twenty individuals, many of whom serve on multiple boards, responded and prioritized the findings based upon their potential impact and feasibility. In June, SRPC staff presented these results to the Mayor's Housing Task Force to affirm audit findings that are of the highest priority and should be addressed most urgently. These would become the Priority Actions in this audit.

In July, SRPC staff returned to the Planning Board with the full audit, detailed regulation edits for the Priority Actions with suggested implementation, Scenario 2 of the buildout analysis, and adjusted zoning maps.

## **Buildout Analysis**

As part of the Master Plan and Regulatory Audit process, SRPC conducted a buildout analysis using the CommunityViz plug-in for ESRI GIS products. This analysis determined a "full buildout year" of potential development and expected growth based on current conformity to the zoning dimensional standards and allowable density. Under the current regulatory framework, Somersworth can accommodate a total of 529 new dwelling units between 2020 and 2031, at which time it reaches "full buildout." Further, over 50% of lots in 4 of the 17 base zoning districts and 25% of lots in 9 of the 17 districts do not meet minimum lot size; citywide, 41% of lots are nonconforming.

Naturally, this may create apprehension around development. City staff and land use boards have expressed disappointment that the 2020 adoption of the Form Based Code overlay districts has been slow to spur desired growth or vibrancy in the city's downtown. Current projections estimate there is a need for 632 additional housing units by 2035, as reported in the Strafford Regional Planning Commission's Regional Housing Needs Assessment<sup>2</sup>. These projections are based upon anticipated demand for new housing units to meet the needs of population and employment growth and changes in the average household size. However, as stated above, only 529 additional units can be created under current zoning conditions, leaving the town with a constrained ability to meet demand while also respecting the city's envisioned development pattern and community character.

## **Current Zoning Maps and Buildout Analyses**

Begins on the next page.

---

<sup>2</sup> [https://strafford.org/uploads/documents/plans/rpc/rhna\\_2023.pdf](https://strafford.org/uploads/documents/plans/rpc/rhna_2023.pdf)

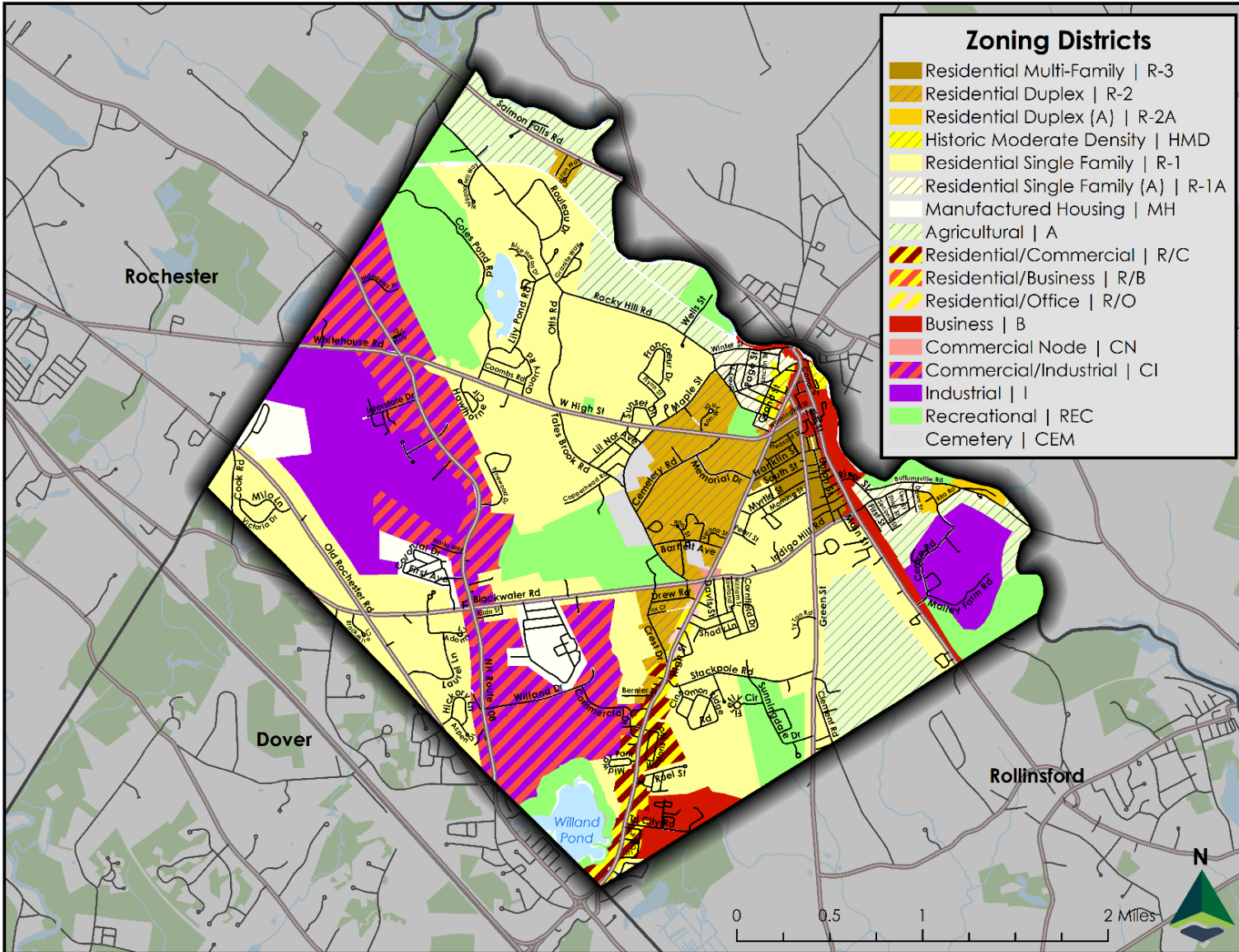
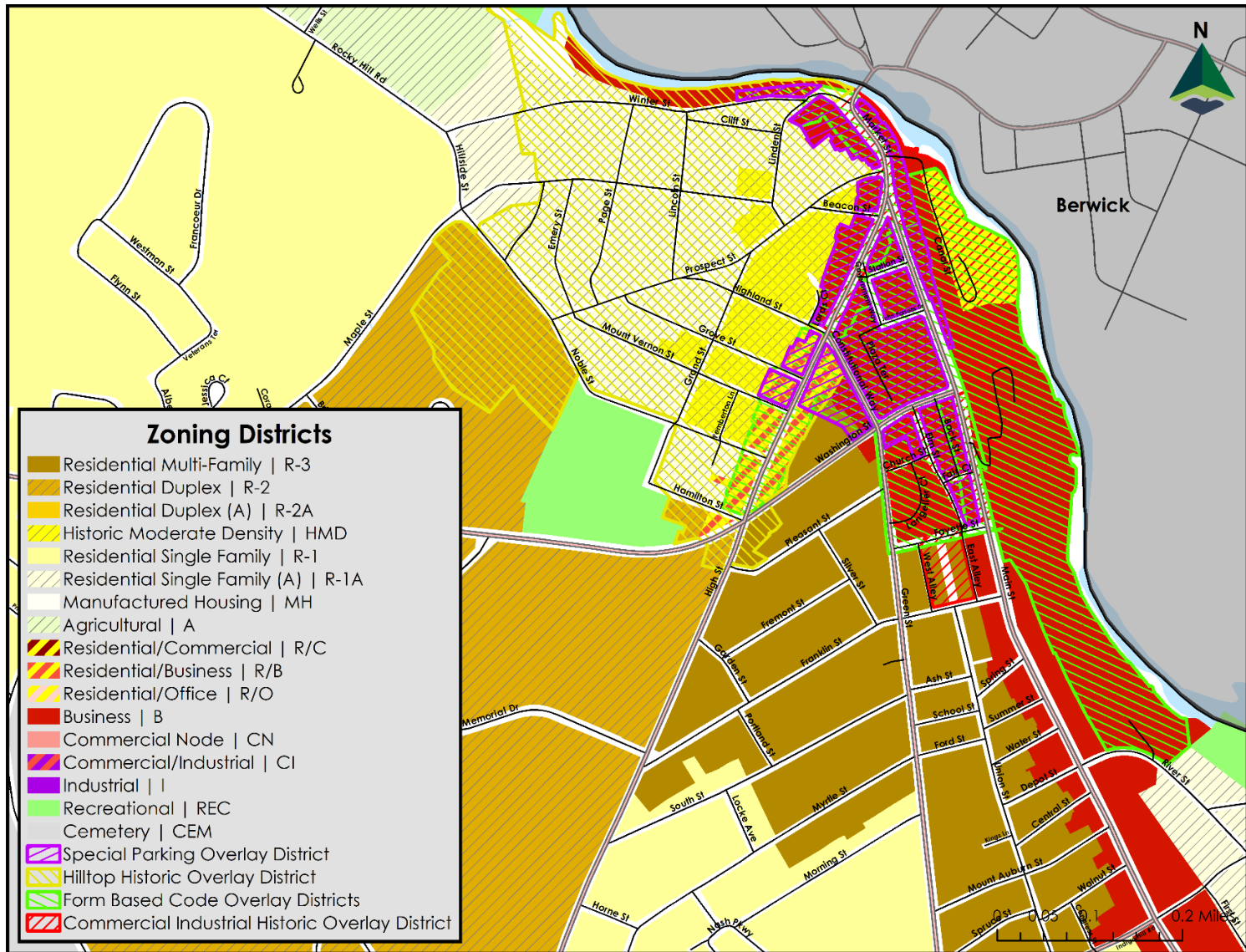


Figure 1 – Current Zoning Map



**Figure 2 – Current Zoning and Overlay Districts (downtown detail)**



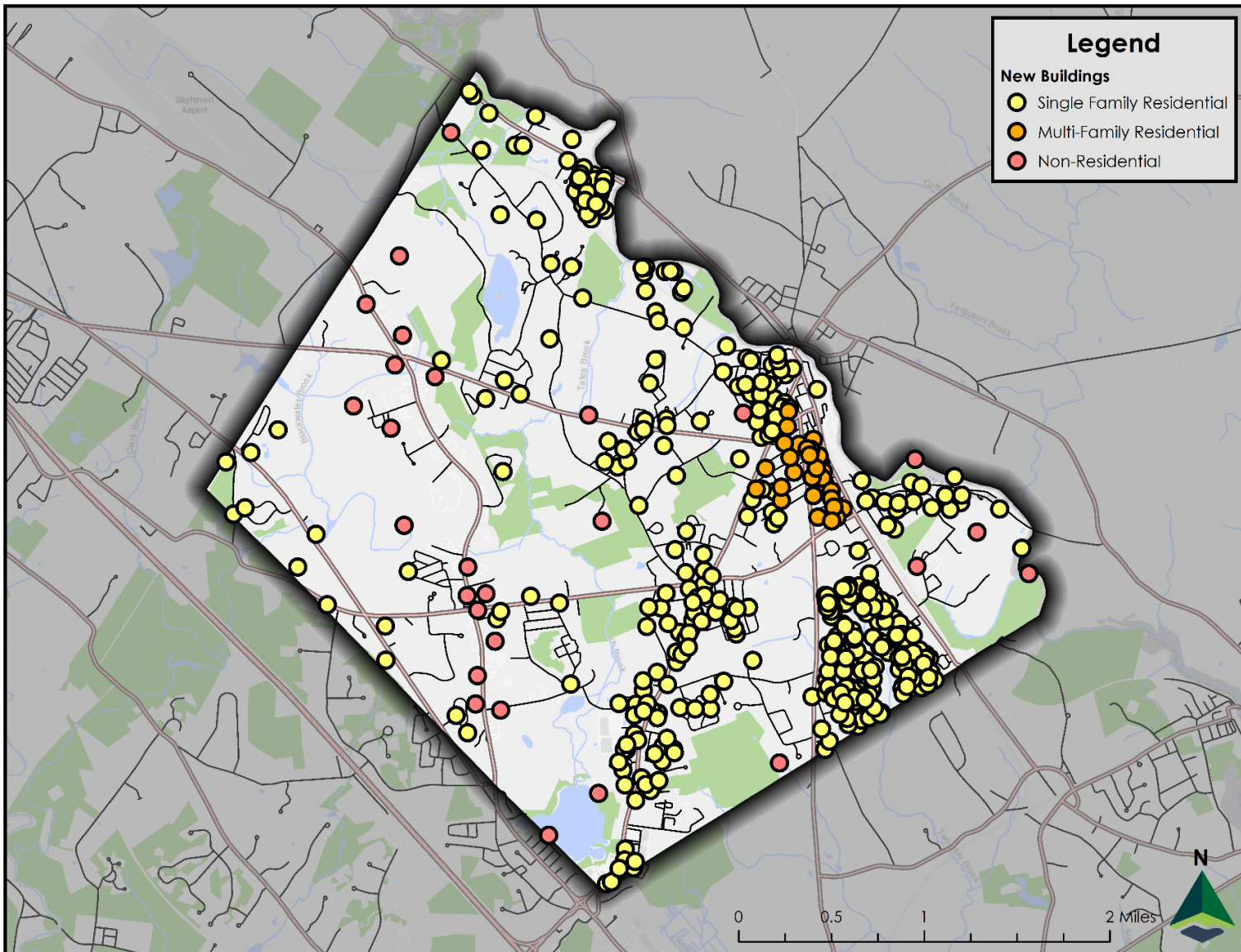
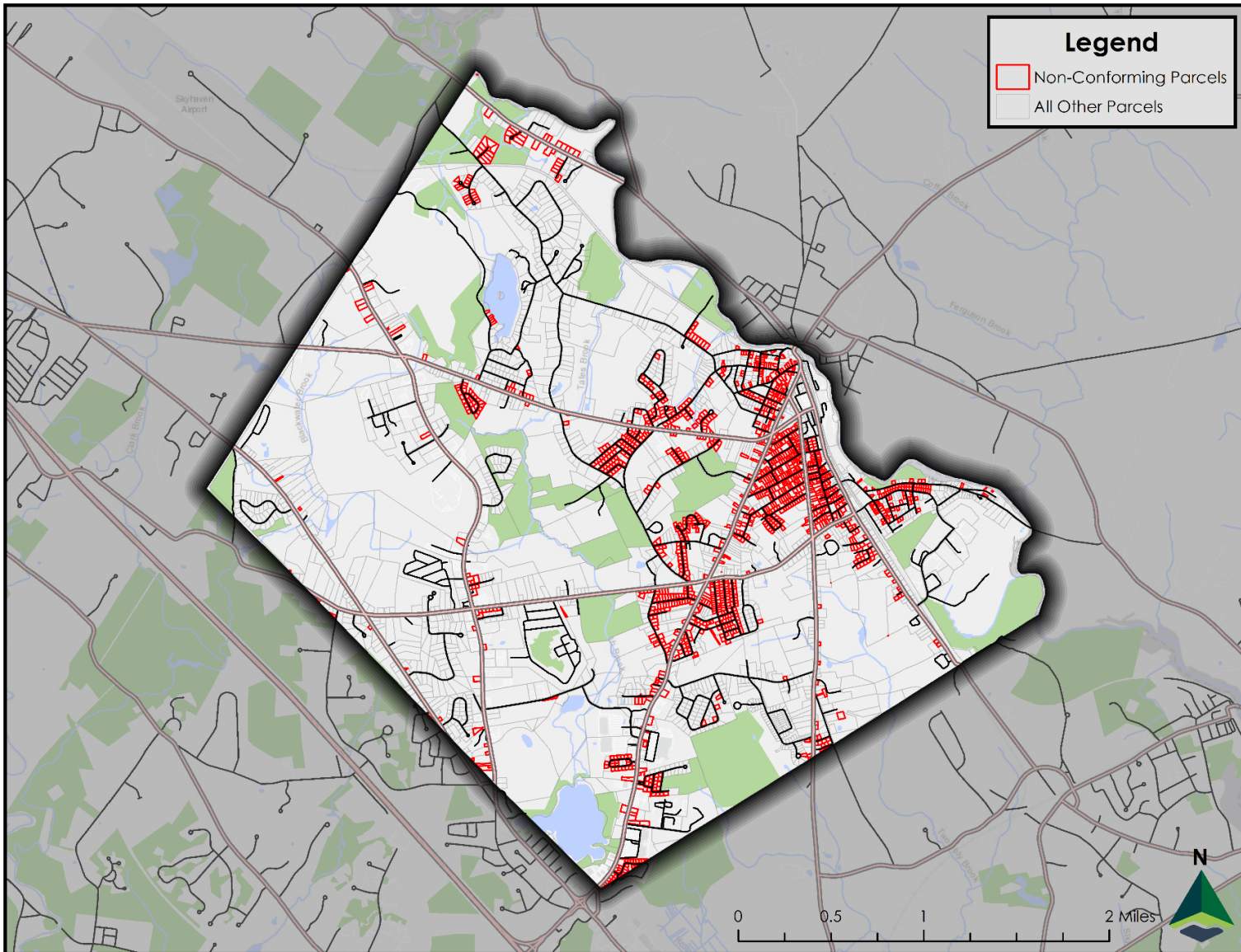


Figure 3 – Existing Conditions Full Buildout (2031)



**Figure 4 – Existing Conditions Nonconforming Lots**

## Conclusions

From the end stages of the drafting of the Housing chapter of the Master Plan and the early stages of outreach for this audit, the following were identified as the highest priorities to be addressed throughout the Somersworth land use regulatory audit for the purpose of addressing contemporary housing challenges:

- Housing for changing New Hampshire demographics:
  - Smaller household sizes.
  - Aging population and a desire for multi-generational homes.
- Housing for different incomes:
  - Middle incomes who do not qualify for subsidized or income-restricted homes but are not able to purchase under current market conditions.
  - Fixed incomes.
  - Choices for all incomes.
- A vibrant community with amenities:
  - Proximity to businesses, schools, and everyday needs.
  - Walkable communities and pedestrian-friendly conditions.
  - Support for multi-modal transportation.

With these themes, and the resounding gaps in structure, outdated verbiage, or inconsistent practices found in the Zoning, Site Plan, and Subdivision regulations, SRPC organized audit findings as follows:

1. Ordinance Organization & Zoning Map Changes
2. Infill Development & Conversion of Existing Structures
3. Diversify Housing Types
4. Site Plan & Subdivision Regulations, General Recommendations, and Best Practices

The following matrixes serve as a “menu of options” for the City of Somersworth land use boards and planning staff to pursue changes. Detailed actions and research for three Priority Actions, found to be most pressing at the time of this audit, are included at the end of this document.

# CITY OF SOMERSWORTH LAND USE REGULATION AUDIT

## Key Approaches to Improving Housing Opportunities



# Key Approaches to Improving Housing Opportunities

## 1: Ordinance Organization & Zoning Map Changes

- Improve organization of the Zoning Ordinances
- Consolidate zoning districts
- Remove inconsistencies and redundancies

Area 1: Ordinance Organization and Zoning Map Changes		
<i>Audit Item ID</i> <b>Relevant Article</b> Findings & Considerations	Recommendations	Housing Goal Supported
<p><i>Item 1.1</i></p> <p><b>Section 19.3.A</b></p> <p>“Millyard” is included as a base district when it as “sub-district” of the Form Based Code overlay district.</p> <p>The overlay district list is incomplete.</p>	<p>The List of Zoning Districts should be edited to accurately reflect the city’s current zoning districts. The list (<i>without</i> consolidation or removal of districts as referenced in other recommendations of this audit) should read as follows:</p> <p>Base districts:</p> <ol style="list-style-type: none"> <li>1. Agricultural   A</li> <li>2. Residential Single Family   R1</li> <li>3. Residential Single Family A   R1A</li> <li>4. Residential Duplex   R2</li> <li>5. Residential Duplex A   R2A</li> <li>6. Residential Multifamily   R3</li> <li>7. Manufactured Housing   MH</li> <li>8. Business   B</li> <li>9. Industrial   I</li> <li>10. Residential Business   RB</li> <li>11. Residential Commercial   RC</li> <li>12. Residential Office   RO</li> </ol>	<p>(3) Corridors/TOD</p> <p>(4) Mixed use</p>

	<p>13. Commercial Industrial   CI  14. Historic Moderate Density   HMD*  15. Recreational   REC  16. Commercial Node   CN</p> <p>Overlay districts:</p> <ol style="list-style-type: none"> <li>1. Historic District <ol style="list-style-type: none"> <li>a. Hilltop</li> <li>b. Industrial Commercial</li> </ol> </li> <li>2. Groundwater Protection District**</li> <li>3. Flood Plain District</li> <li>4. Riparian and Wetland Buffer District</li> <li>5. Special Parking District</li> <li>6. Hilltop School District</li> <li>7. Form Based Code District <ol style="list-style-type: none"> <li>[1] Downtown</li> <li>[2] High Street Gateway</li> <li>[3] Main Street Gateway</li> <li>[4] Residential</li> <li>[5] Millyard</li> </ol> </li> </ol> <p>*Currently refers to itself as an overlay district in <b>19.3.B.14.</b></p> <p>**Not to be confused with the Groundwater Management Zone (GMZ), a state designation.</p>	
<p><i>Item 1.2</i>  <b>Sections 19.3.B, 19.3.D, various others</b>  The purpose and boundary descriptions for districts are not consistent and are disjointed across the ordinance.</p>	<p>An effort should be made to group the purposes and boundary descriptions in one section of the Zoning Ordinance.</p> <p>*The governance and bylaws of the Historic District Commission are better suited as a</p>	<p>(3) Corridors/TOD  (4) Mixed use</p>

<p>Some base districts are described within <b>Sections 19.3.B</b> and <b>19.3.D</b>, however others are organized as such:</p> <ul style="list-style-type: none"> <li>• <b>19.9</b> Manufactured Housing [Base] District</li> <li>• <b>19.10</b> Groundwater Protection [Overlay] District</li> <li>• <b>19.12</b> Flood Plain [Overlay] District</li> <li>• <b>19.13</b> Riparian &amp; Wetland Buffer [Overlay] District</li> <li>• <b>19.14</b> Historic [Overlay] Districts*</li> <li>• <b>19.16</b> Recreation [Base] District</li> <li>• <b>19.17</b> Commercial Node [Base] District</li> <li>• <b>19.30</b> Hilltop School Property Overlay District</li> <li>• <b>19.31</b> Special Parking Overlay District</li> <li>• <b>19.32</b> Form Based Codes [Overlay] District]</li> </ul>	<p>section of its own rather than within the regulation of the Historic Overlay Districts.</p>	
<p><i>Item 1.3</i>  <b>Section 19.3.B.2 to B.6, B.14</b>  <b>Tables 4.A.1 and 5.A.1</b>  The identification of the primarily residential districts may be confusing.</p> <ul style="list-style-type: none"> <li>• R1 (Single Family)</li> <li>• R1A (Single Family (A))</li> <li>• R2 (Duplex)</li> <li>• R2A (Duplex (A))</li> <li>• R3 (Multifamily)</li> <li>• HMD (Historic Moderate Density)</li> </ul> <p>Geographically, these districts don't necessarily build off each other. Although it is unreasonable to expect all development in a community to</p>	<p>Consolidate:</p> <ul style="list-style-type: none"> <li>• R1 and R1A</li> <li>• R2 and R2A</li> </ul>	<p>(3) Corridors/TOD  (4) Mixed use</p>

<p>chronologically occur outwardly, the “A” districts (R1A, R2A) are described as fulfilling a purpose of “[compatibility] with the land uses which exist in the older sections of the City.” The R2A district, for example, appears to be attempting to preserving the density of the duplexes built in the 1960s, 1970s, and early 2000s, while preserving the character of the structures constructed in the 1890s and early 1900s, largely on record as single-family homes. In the R1A district, there is a prevalence of two-family homes of varying ages or even single-family homes taking on the appearance of two-family homes due to multiple entrances. As the dimensional requirements of the “A” districts are identical, the only difference is the permitted density which does not always reflect the current composition of the neighborhood.</p> <p>“Historic Moderate Density” is confusing when much of this district also falls within the historic overlay district.</p>		
<p><i>Item 1.4</i></p> <p><b>Section 19.32, ordinance generally</b></p> <p>Much of the Form Based Code overlay falls on multiple base districts and co-occurs with other overlays. Subjecting development to a base district such as the Business (B) district or the Residential-Business district (RB) may undermine the purpose of the Form Based Code overlay.</p> <p>In the RB example, the RB and FBC-High Street Gateway nearly match parcel-for-parcel, save for</p>	<p>Propose reverting the Form Based Code district to their own respective base districts. The Millyard subdistrict is already treated as such by the Zoning Ordinance.</p> <p>Creation of a one-page user guide to assist an interested developer by quickly referencing applicable sections, etc., may be useful (and would also be applicable to all districts zoned for housing).</p> <p>-and/or-</p>	<p>(1) Diverse housing (2) Existing housing (3) Corridors/TOD</p>



<p>one parcel that is in RB but not the Gateway and three that are in the Gateway but not RB.</p> <p>In the B district example, residential use on the ground floor is only permitted on Main Street south of Fayette Street. The FBC-Main Street Gateway is drawn on Main Street north of Fayette Street.</p> <p>In both examples, many recent ZBA variances granted were for residential use to occur on the first floor of structures in these districts.</p>	<p>Create a housing brochure for developers that highlights each zoning district and the acceptable housing options, density, minimum lot size, etc.</p>	
<p><i>Item 1.5</i>  <b>Zoning Definitions 19.25.Z</b>  <b>Zoning Table 4.A.1</b></p> <p>The residential use table reads with the follow options:</p> <ul style="list-style-type: none"> <li>• One-unit dwelling</li> <li>• Two-unit dwelling</li> <li>• Multi-unit dwelling</li> </ul> <p>Holding all multifamily structures to the same standards may be seen as restrictive and may discourage smaller builders/developers from adding to the housing supply in the form of smaller (fewer than 9 unit) structures.</p> <p>Additionally, lenders consider proposals of 1 to 4 units "residential" for underwriting purposes, but consider 5+ units "commercial." Commercial structures often require sprinklers and other</p>	<p>Visibility of smaller (10 and fewer unit) multifamily structures in regulation could encourage developers who are more likely to produce owner-occupied rental structures and discourage "big box" and "corporate" rentals in traditional and older neighborhoods in Somersworth. Recognizing that not all types will be allowed in all districts, one suggested categorization is as follows:</p> <ul style="list-style-type: none"> <li>• 1- and 2-unit structures</li> <li>• 3- and 4-unit structures</li> <li>• 5- to 10-unit structures</li> <li>• 11-unit or greater structures</li> </ul> <p>The City should note the New Hampshire legislature in 2024 passed HB 1065 <sup>3</sup> which would extend exemptions for requiring residential sprinkler systems to three-unit and</p>	<p>(1) Diverse housing  (3) Corridors/TOD</p>

<sup>3</sup> New Hampshire General Court bill text:  
[https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?id=1400&txtFormat=html&sy=2024](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?id=1400&txtFormat=html&sy=2024)

<p>building standards typically more burdensome than residential standards.</p>	<p>four-unit structures (currently only 1 and 2 unit structures are exempt) – as well as manufactured homes. Further, the legislation prohibits municipalities from adopting any fire codes that are stricter than the state code regarding sprinkler requirements.</p>	
<p><i>Item 1.6</i> <b>Table 4.A.1</b> No residential use is permitted in the Commercial Industrial (CI) or Commercial Node (CN) districts.</p> <p>Residential and mixed-use development, paired with flexible setbacks (or even setback maximums) and the encouragement of parking behind structures, could prove to be a worthy exercise in community building, traffic calming, and placemaking. The increase in pedestrians on the new sidewalks following any development increases their visibility and creates a culture of reversing negative outcomes of auto-centric development in this area of the City.</p>	<p>If planned well, this area of the City poses huge potential for expanding housing options, largely as infill development. With key employers, local amenities such as medical facilities and the Willand Pond area, and a major “Complete Streets”<sup>4</sup> improvement project coming to Route 108<sup>5</sup>, mixed-use development here has the potential to maintain or even decrease traffic volumes on Route 108.</p> <p>In 2024, the New Hampshire legislature passed HB1400<sup>6</sup> that allows tax incentives for developers to convert office and commercial space into residential units; the town could create “office conversion zones.” The tax incentives would be created through a town meeting vote and the tax relief would be capped at five years.</p>	<p>(3) Corridors/TOD (4) Mixed use</p>
<p><i>Item 1.7</i> <b>Table 4.A.1 (footnote 1)</b> “Two attached or detached one-unit dwellings are permitted on a lot.”</p>	<p>Explore reasons to affirm or challenge this distinction everywhere that two or more units are allowed. This distinction may not be needed in the case of two units.</p>	<p>(1) Diverse housing (2) Existing housing</p>

<sup>4</sup> See Glossary.

<sup>5</sup> New Hampshire DOT project website: <https://108tricitycompletestreets.com/>

<sup>6</sup> New Hampshire General Court bill text: [https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?sy=2024&id=1759&txtFormat=html](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=1759&txtFormat=html)

Attached and detached are called out specifically in the R2 district.		
<p><i>Item 1.8</i></p> <p><b>Table 4.A.1 (footnote 2)</b></p> <p>New residential uses are not allowed at ground level in <i>some</i> areas of the B district. This may be seen as redundant where the FBC overlay addresses this.</p>	<p>This footnote may become irrelevant.</p> <p>See <i>Item 1.4</i> regarding the FBC Overlay as a base district in its own right. See notes and recommendations for conversion of commercial space to residential units.</p>	<p>(3) Corridors/TOD</p> <p>(4) Mixed use</p> <p>(6) Age-friendliness</p>
<p><i>Item 1.9</i></p> <p><b>Table 4.A.1 (footnote 3)</b></p> <p>Conversions to multifamily structures are capped at 4 units, are bound to the age of the structure, and have added acreage requirements per unit. These may be seen as obstacles to a smaller developer or landlord.</p>	<p>This footnote may become irrelevant.</p> <p>See <i>Item 1.4</i> regarding the FBC Overlay as a base district in its own right.</p> <p>Alternatively, with an updated use table that categorizes 3- or 4-unit structures separately, 5 or more unit structures could be allowed by special exception or conditional use.</p>	<p>(1) Diverse housing</p> <p>(2) Existing housing</p> <p>(6) Age-friendliness</p>

## 2: Infill Development and Conversion of Existing Structures

- Reduce nonconforming lots, structures, and uses
- Utilize Accessory Dwelling Units (ADUs)
- Enhance local control in conversions from Single Family to Multifamily
- Consider conversion of commercial and office structures to residential structures

Area 2: Infill Development - Nonconforming Lots & ADUs		
<i>Audit Item ID</i> <b>Relevant Article</b> Findings & Considerations	Recommendations	Housing Goal Supported
2.1: Nonconforming lots, structures, and uses		
<p><i>Item 2.1.1</i> <b>Section 19.6.A</b> Ordinance allows only one single-unit per nonconforming lot of record.</p> <p>The City could address the issues created from sub-standard lots by adding performance standards or design guidelines. Redevelopment of non-productive/under productive lots serves the City and neighborhoods by limiting blight and increasing tax revenue. Often these lots have access to existing infrastructure easing the burden on municipal services.</p>	<p>Consider allowing 1 to 4 unit structures on pre-existing nonconforming lots if structure meets 50% of minimum side setback to minimize impact to abutters, for example. Another option is to set minimum distance to adjacent structures or allow reduction to setbacks IF adjacent setbacks do not meet current standards. The City could allow all or some of the parking or driveway in the setback areas. The City could allow non-habitable space such as access points, porches, and decks to minimally encroach on setbacks.</p>	<p>(1) Diverse housing</p>
<p><i>Item 2.1.2</i> <b>Section 19.6.C.1.a</b> Ordinance prohibits expansion of nonconforming use.</p>	<p>Consider allowing conversion from an existing nonconforming use to a new nonconforming use, <i>if</i> the new nonconforming use is less intensive.</p>	<p>(3) Corridors/TOD (5) Revitalization/Amenities</p>

<p>This may be seen as limiting one’s ability to downsize, convert to more uses even when the structure is brought into greater conformity otherwise, or complicate an office to residential conversion.</p>		
<p>2.2: Accessory Dwelling Units (ADUs)</p>		
<p><i>Item 2.2.1</i>  <b>Section 19.24, generally</b>  ADUs are optional.</p> <p>Motivating builders using tools at the city’s discretion eliminates barriers to construction. Encouraging or incentivizing ADUs can add new units near existing or soon-to-be constructed infrastructure. Pre-permitting or expediting permits, waiving of fees, or accommodating setbacks are among the city’s options.</p>	<p>Explore incentives for new ADUs such as 30-day maximum review periods, reduced or waived permit fees, or relaxed dimensional requirements such as setbacks for parking or driveways.</p> <p>Mayor’s Housing Task Force or other interested party could work with local lending institutions in outreach for emerging “ADU Financing Packages” or similar as they become available.</p>	<p>(1) Diverse housing  (6) Age-friendliness</p>
<p><i>Item 2.2.2</i>  <b>Section 19.24.a, b, f</b>  ADUs must "be located within or attached to the principal single-family dwelling unit or attached garage."</p> <p>Eliminating barriers to construction reduces builder costs and leads to new ADUs. Revising the language would accommodate ADU styles that appeal to an aging population.</p>	<p>Allow for detached ADUs or ADUs in detached garages, barns, or other accessory structures.</p> <p>Remove restriction for internal connection to primary residence and remove “breezeway” condition.</p> <p>Single-story detached ADUs allow older adults or those experiencing mobility challenges to live without stairs. Clarification would allow a whole detached garage to be converted to an ADU.</p>	<p>(1) Diverse housing  (6) Age-friendliness</p>
<p><i>Item 2.2.3</i>  <b>Section 19.24.c</b></p>	<p>Requiring the appearance to remain unchanged limits the ability of builders or homeowners to</p>	<p>(1) Diverse housing</p>

<p>Requires ADUs to maintain the appearance of a single-family home, and not a multi-unit structure.</p> <p>ADUs shall not have provisions for separate utilities, garages, driveways, and other similar amenities.</p>	<p>add an ADU to an existing structure. Consider eliminating this requirement to encourage ADU construction.</p> <p>Allow accessory structures (eg. storage shed, garage) for ADUs. Downsizing a 3 or 4 bedroom single-family home requires storage areas and extra rooms.</p>	<p>(6) Age-friendliness</p>
<p><i>Item 2.2.4</i> <b>Section 19.24.e</b> ADUs shall not exceed 800 square feet in area.</p> <p>State legislation requiring municipalities to allow ADUs up to 1,000 square feet did not pass, however, the City should still pursue this change.</p>	<p>Increase limit to 1,000 square feet maximum to accommodate two bedroom/two bathroom structures with storage for downsizing elderly or young families growing in size. Renters comprise approximately 35% of Somersworth residents and the extra square footage allows for co-habitation with a new partner, addition of household pet, or other lifestyle changes.</p>	<p>(1) Diverse housing (6) Age-friendliness</p>
<p>2.3: Conversion from Single Family to Multifamily</p>		
<p><i>Item 2.3.1</i> <b>Table 4.A.1 (footnote 3)</b> Allows conversion of existing residential structures to two, three, or four-unit dwellings if meeting performance standards:</p> <ol style="list-style-type: none"> <li>1) Structure in existence prior to 1989</li> <li>2) Parking shall comply with Section 21</li> <li>3) Minimum lot size requirements by total units</li> </ol>	<p>The City should revise or eliminate these performance standards to better accommodate and expediate conversions:</p> <ol style="list-style-type: none"> <li>1) Eliminate restriction to only structures built after 1989 (35 years ago).</li> <li>2) Revised parking in conjunction with other recommendations to parking changes.</li> <li>3) Eliminate lot size requirements. The lot is already built upon and the infrastructure in place, additional lot area per unit does</li> </ol>	<p>(1) Diverse housing (6) Age-friendliness</p>

	<p>not add meaningful improvements to the conversion.</p> <p>See <i>Item 4.3</i> regarding parking.</p>	
2.4: Conversion of commercial and office structures to residential structures		
<p><i>Item 2.4.1</i>  <b>Table 4.A.1 (footnote 2)</b>  A mandate of ground floor commercial use disincentivizes developers, especially with current office use trends.</p> <p>New residential use is prohibited in very specific circumstances in the B district. This may also be seen as “red tape.” The ZBA has seen many variance requests regarding this footnote.</p>	<p>Geographically adjust B district in accordance with <i>Item 1.4</i> regarding Form Based Code.</p> <p>See notes and recommendations for conversion of commercial space to residential units in <i>Item 1.6</i> and <i>Item 1.8</i>.</p> <p>Consider allowing residential use at street level by Conditional Use Permit if commercial is not justified.</p> <p>Remove Note #2, “Except...”</p> <p>Allow conversion of commercial units to residential within this specific area of Main Street.</p>	<p>(3) Corridors/TOD  (5) Revitalization/Amenities</p>

### 3: Diversify Housing Types

- Enable the development of Planned Unit Developments (PUDs)
- Increase opportunities for Mixed-Use development

Area 3: Diversity Housing Types		
<i>Audit Item ID</i>		
<b>Relevant Article</b>	Recommendations	Housing Goal Supported
Findings & Considerations		
<p><i>Item 3.1</i></p> <p><b>N/A</b></p> <p>Somersworth has no Planned Unit Development (PUD) mechanism. Despite a reputation for massive subdivision or tract style development, PUDs can be used to diversify housing typologies in any community, even on compact lots.</p>	<p>See Concord’s “mix and match” style PUD (subject to dimensional and other standards not included here):</p> <p>“The only principal uses that are permitted in a PUD are single-family detached dwellings, two-family dwellings, attached dwellings, multifamily dwelling units for the elderly including congregate dwelling units, and assisted living residences. All PUDs must contain at least two (2) of these types of principal residential uses. Each type of principal residential use that is proposed within a PUD shall comprise not less than twenty (20) percent of the total number of units in the PUD.”</p> <p>Other options:</p> <ul style="list-style-type: none"> <li>• Single family detached dwellings greater than 1,400 square feet of living space but with an ADU.</li> <li>• Single family detached dwelling units not exceeding 1,400 square feet of living space.</li> <li>• Attached row- or townhomes.</li> <li>• Duplexes.</li> <li>• Elderly housing.</li> </ul>	<p>(1) Diverse housing</p> <p>(3) Corridors/TOD</p> <p>(4) Mixed use</p> <p>(6) Age-friendliness</p>



	<ul style="list-style-type: none"> <li>• Workforce housing units.</li> <li>• Mixed-use structures with ground-floor retail.</li> </ul>	
<p><i>Item 3.2</i></p> <p><b>Section 19.25.WW</b></p> <p>"Mixed-use" appears in the Zoning Ordinance only once as a definition and is not referenced again in the ordinance.</p>	<p>Consider where "mixed-use" should be allowed and how it should be regulated.</p> <p>Mixed-use structures add vibrancy and life to an area which increases safety and economic prospects. Single-use commercial structures consume valuable real estate that typically caters to only consumers arriving primarily by vehicle.</p> <p>Consider adding "mixed-use" to the use table and assign acceptable performance standards to the respective zoning district.</p> <p>Review recommendations allowing conversion of office/commercial space to residential units.</p>	<p>(4) Mixed use</p> <p>(5) Revitalization/ Amenities</p> <p>(6) Age-friendliness</p>

#### 4: Site Plan & Subdivision Regulations, General Recommendations, and Best Practices

- Amend Site Plan and Subdivision
- Review time after fire
- Review Parking
- Review Occupancy

Area 4: Site Plan & Subdivision Regulations, General Recommendations, and Best Practices		
<i>Audit Item ID</i> <b>Relevant Article</b> <i>Findings &amp; Considerations</i>	Recommendations	Housing Goal Supported
<p><i>Item 4.1</i> <b>Site Plan section 12.5.b</b> Contains standard driveway regulations, however, there is no limit other than in item vii.1 where the Planning Board may require shared driveways when necessary.</p>	<p>Consider limiting parcels to one curb cut in this section. Curb cuts should be discouraged, especially in the Route 108 area. Should the City not proceed with adding residential or mixed use in this area, such policy would still complement the Complete Streets effort underway in this area of the City and encourage safer walking conditions throughout the City.</p> <p>Note the New Hampshire legislature passed in 2024 HB 1202 <sup>7</sup> which would require the Department of Transportation to approve applications within 60 days for any residential property owner who wants to construct a driveway, if it is not a "major driveway."</p>	<p>(3) Corridors/TOD (4) Mixed use</p>
<p><i>Item 4.2</i> <b>Site Plan section 22A.2</b> Site Plan Review required for 3 or more unit multifamily structures.</p>	<p>Consider revising to allow 3- and 4-unit structures proceed without Site Plan Review or allow to proceed as Minor Site Plan projects.</p>	<p>(1) Diverse housing (2) Existing housing</p>

<sup>7</sup> New Hampshire General Court bill text:

[https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?sy=2024&id=1444&txtFormat=html](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=1444&txtFormat=html)

<p>Lender hesitation due to the permitting process prevents new or small-scale builders from entering the market. By-right processes eliminate the guesswork and added cost. Expediting the process for permits lowers the cost of construction and makes the outcome and timeline more predictable for the applicant.</p>	<p>The City can add performance standards for 3- and 4-unit structures that control bulk, circulation, and distance to abutting structures or boundary lines.</p> <p>Creating a checklist for new construction or renovation projects that add units standardizes and expedites the process for review. Site plans should include vehicle and pedestrian areas, access points, trash and snow pile areas, landscaping, parking, common area, etc.</p>	
<p><i>Item 4.3</i>  <b>Site Plan section 22A.12.4.a.i</b>  There are varying parking requirements across the city, the strictest of which is 2 spaces per dwelling unit, frequently seen as cost- and space-prohibitive to developers and landlords of all sizes.</p> <p>Similar to comments above regarding the FBC overlay district, a new definition of “downtown” is created in <b>section 12.4.a.i</b> with regard to parking requirements. This geographic designation of only a portion of the Business district is confusing.</p>	<p>We propose:</p> <ul style="list-style-type: none"> <li>• Retain exemption for any residential parking in the special parking overlay</li> <li>• 1 space required for elsewhere in the FBC overlay, as well as for ADUs and conversions to multifamily from single family in the R and HMD districts.</li> <li>• Reduce parking minimum to 1.5 or 1 per dwelling unit in remainder of the City. Allow for off-site parking arrangements to count towards minimum.</li> </ul> <p>New legislation, HB 1400 <sup>8</sup>, restricts towns and cities from passing parking minimums greater than 1.5 spaces per unit for studio and 1-bedroom units up to 1,000 square feet. The new legislation applies the same restriction of max 1.5 spaces per unit in buildings with 10+ units. Further, the legislation would also require that land use boards accept “alternative parking</p>	<p>(2) Existing housing  (3) Corridors/TOD</p>

<sup>8</sup> New Hampshire General Court bill text:

[https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?sy=2024&id=1444&txtFormat=html](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=1444&txtFormat=html)

	solutions” for development, if the applicant meets the demand. The City should revise land use regulations to meet these new state requirements/prohibitions.	
<p><i>Item 4.4</i></p> <p><b>Subdivision section 7.M.2</b></p> <p>Section 7.M states the City “may” require sidewalks at the Planning Board’s discretion.</p> <p>As noted in the Housing Chapter, the City should encourage housing near existing pedestrian infrastructure. The Route 108 corridor, for example, currently seeing Complete Streets improvements, offers a good opportunity for housing implementation near walkable areas.</p>	<p>Boards should require sidewalks for new construction in areas with existing sidewalks and strongly encourage in other areas or require payment into an offset fund for pedestrian improvements elsewhere.</p> <p>Additionally, consider requiring sidewalks outright for subdivisions resulting in more than 3 residential units or for those occurring in the downtown districts. Walkability is an asset to many smaller housing types that are needed throughout the City.</p>	<p>(3) Corridors/TOD</p> <p>(4) Mixed use</p> <p>(6) Age-friendliness</p>
<p><i>Item 4.5</i></p> <p><b>Zoning section 19.6.B.1.b</b></p> <p>Nonconformance statute allows for rebuilding after a fire or hazard, “provided that the restoration of the structure is begun within twelve (12) months after the act of destruction.”</p> <p>Insurance companies spend enormous lengths of time to investigating fire or hazard claims. The City should allow more time for homeowners to permit, finance, and rebuild the structure.</p>	<p>Increase to 24 months to allow for insurance claims processing (or keep 12 months but allow for 12 additional months by request to Planning Board, Zoning Board, or Code Enforcement). The time allowance should run with the land not the owner, enabling transfer of the fire damaged property or cleared lot to a new owner.</p>	<p>(1) Diverse housing</p> <p>(2) Existing housing</p> <p>(6) Age-friendliness</p>
<p><i>Item 4.6</i></p> <p><b>Zoning section 29 and section 29 notes</b></p> <p><b>Maximum Allowable Occupancy</b></p>	<p>Removing the restrictions to occupancy accommodates households with unique</p>	<p>(1) Diverse housing</p>

<p>Defines "Family" and "Unrelated Household" and restricts total number of occupants (see Table).</p> <p>Restrictions to occupancy require extensive enforcement measures and potentially subject the City to legal challenges.</p> <p>Additionally, family dynamics continue to change and the City should recognize these changes in its policy documents. The above section should also be revised to meet new definitions in state legislation.</p>	<p>arrangements, unmarried co-habitants, and other modern living situations.</p> <p>Definitions should be found within the definitions section and should be reviewed/revised alongside new, similar definitions recently passed by the state legislature. HB1400 redefines tenant and adds new definitions to describe types of occupants in residential units: Subtenant, Implied tenant, and Non-rental Owner.</p>	<p>(6) Age-friendliness</p>
--	---	-----------------------------

# CITY OF SOMERSWORTH LAND USE REGULATION AUDIT

## Priority Actions



OVER  
SINGLE  
FORM BA

HISTO  
PLANN  
ZONING  
LAND US  
CONSE  
REC

Hamilton St  
Washing  
Grant St

## Priority Actions

Land Use Board members, City Councilors, and the Mayor’s Housing Task Force Members scored 20 recommendations drawn from the four Key Approaches to Improving Housing Opportunity. Each recommendation was assigned a weighted score as:

- High impact and high feasibility (3 points)
- High impact and low feasibility (2 points)
- Low impact and high feasibility (2 points)
- Low impact and low feasibility (1 point)

The following nine recommendations had the greatest number of “high-impact-high-feasibility” rankings.

1. Recategorize multifamily to have more granularity and greater densities. (Missing Middle)
2. Dissolve the base districts under the Form Based Code. (Organization & Map)
3. Reduce multifamily parking requirements. (Subdivision & Site Plan)
4. Limiting curb cuts, especially on Route 108. (Subdivision & Site Pan)
5. Allow conversion of structures built after 1989. (Infill)
6. Reduce parking requirements downtown. (Subdivision & Site Plan)
7. Allow detached Accessory Dwelling Units. (Missing Middle)
8. Allow residential and mixed-use in the Commercial Industrial and Commercial Node districts. (Infill)

When SRPC met with the Mayor’s Housing Task Force, they identified the following top three priority actions. Parking concerns, despite ranking high and demonstrating a rather obvious roadblock to some current and proposed projects, were determined not to be a resourceful use of the audit or a future HOP grant. The City anticipates a parking study to be completed later in 2024. The final Priority Actions include:

- Rearrange zoning districts to establish the Form Based Code districts as the base zoning
- Recategorize multifamily structures to add 3- and 4-unit structures and 5- to 10-unit structures
- Allow Planned Unit Development (PUD) housing option along the Route 108 corridor

The three priority actions listed above are described in more detail below along with detailed information for drafting the new regulation. The City should consider forming an implementation committee dedicated to these priority actions and the additional recommendations listed in the tables above this section.

## Priority Action 1: Rearrange Districts

At least one board member called for a whole-city Form Based Code during this auditing process, and the approach is certainly not just for downtown cores. As described by the City of Farmers Branch, Texas<sup>9</sup>, “A form-based code is a regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of ‘place.’” Somersworth certainly could attempt such a comprehensive update at a later time, as have cities like Nashville<sup>10</sup>, Duluth<sup>11</sup>, and neighboring Dover<sup>12</sup>. In the meantime, Somersworth’s “partial” approach to Form Based Code is not unusual, as other cities have chosen to implement a FBC only in their downtown areas, such as Chattanooga<sup>13</sup>.

Unfortunately, it is apparent that the Form Based Code (FBC) as an overlay to the Business (B) and other downtown districts undermines the intent of a Form Based Code. As described in *Item 1.4*, the High Street Gateway FBC district nearly matches the Residential-Business (RB) base district below it, as an example. In the other example, the FBC districts often have standards for particular uses on a given floor of a structure, as does the B district. In discussion with City staff and land use boards, it has become further apparent that four of the five “R” districts may have similar redundancy, despite being base districts that minimally interact with the current FBC overlay. We have elected to partially consolidate some of these district and map strategies from *Area 1*, and it serves as the basis for the Scenario 2 development analysis being completed. This rearrangement also comes as a result of Action 2 below, displaying the “domino” effect of adjustments to Somersworth’s current zoning ordinance.

We propose the following updates to the zoning map:

- The RB district is fully dissolved and assumed that the Form Based Code High Street Gateway (FBC HSG) takes its place as the base district. The FBC HSG is extended out along parcels with frontage on High Street southward to the Commercial Node (CN) district at Indigo Hill Road and Blackwater Road.
- The Business (B) district is dissolved north of Fayette Street and everywhere it currently exists “under” the FBC districts. This means the remaining parcels outside of the FBC need resolution.
  - The two parcels at the corner of Washington and Green streets (a parking lot and multifamily colonial home) should become part of the Form Based Code Residential (FBC R) district.
  - Former “B” parcels along the Salmon Falls River (undeveloped land) would likely be suited for the Recreation district.

---

<sup>9</sup> <https://web.archive.org/web/20051112112418/www.ci.farmers-branch.tx.us/Planning/codes7FAQs.html>

<sup>10</sup> <https://www.nashville.gov/departments/planning/long-range-planning/community-character-manual>

<sup>11</sup> <https://duluthmn.gov/media/e5hgtuom/entire-nov-2023-udc.pdf>

<sup>12</sup> <https://ecode360.com/32591412>

<sup>13</sup> <https://chattanooga.gov/public-works/land-development-office/form-based-zoning>



Next, we recommend the “R” districts be consolidated, as in *Item 1.3*. As previously described, the “A” districts seem to be attempting some amount of flexibility in density. See this comparison table of the **current** R districts.

<b>Facts/Current Districts</b>	<b>R1</b>	<b>R1A</b>	<b>R2</b>	<b>R2A</b>	<b>R3</b>
<b>Single unit</b>	Permitted	Permitted	Permitted	Permitted	Permitted
<b>Two unit</b>	Not permitted	Not permitted	Attached and detached	Attached only	Attached only
<b>Three or more unit</b>	Not permitted	Not permitted	Not permitted	Special exception	Permitted
<b>Purpose statement</b>	“...provided for moderate density single family detached residential uses”	“...providing an area where moderate density single family detached and semi-detached residential units may co-exist”	“...provided for moderate density single family semi-detached residential uses”	“...providing an area where moderate density single-family semi-detached residential units may co-exist”	“...provided for residential uses including one and two family detached and semi-detached housing, multifamily attached housing”
<b>Minimum lot size</b> (square feet) (regardless of water/sewer availability and number of units)	15,000	10,000	20,000	10,000	26,250

In the following table, the R1 and R1A districts are consolidated to become R1; R2 and R2A are consolidated to become R2; and R3 remains unchanged.

<b>Facts/Consolidated Districts</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>
<b>Single unit</b>	Permitted	Permitted	Permitted
<b>Two unit</b>	Permitted, must maintain appearance of a single-family home	Permitted	Permitted
<b>Three or more unit</b>	Not permitted	Special exception	Permitted
<b>Purpose statement</b>	"...providing an area where moderate density single family detached and semi-detached residential units may co-exist"	"...providing an area where moderate density single-family semi-detached residential units may co-exist"	"...provided for residential uses including one and two family detached and semi-detached housing, multifamily attached housing"
<b>Minimum lot size</b> (square feet) (regardless of water/sewer availability and number of units)	10,000	10,000	26,250
<b>Setbacks (all)</b> (Feet)	15	15	30

These slightly adjusted dimensional requirements are reflective of the takeaways from Scenario 1, where there was significantly improved conformity in existing lots and structures. Should the City proceed with Priority Action 1, but **not** Priority Action 2, an effort should be made to continue this effort to reduce burden for both potential new housing but also for existing homeowners looking to make changes unrelated to housing supply, such as additions or accessibility improvements.

## **Priority Action 2: Recategorization of Multifamily Structures**

From *Item 1.5* above, this recommendation garnered excitement from City land use boards because of the potential for smaller, independent landlords and developers to emerge. Owner-occupied multifamily structures and smaller multifamily structures generally are shown to result in greater community investment and provide much-needed naturally occurring affordable housing (NOAH).<sup>14 15 16 17</sup> NOAH is an informal term for housing that is generally considered affordable to low- and moderate incomes without being subsidized at any level of government. Programs such as Housing Choice Vouchers<sup>18</sup> or Low-Income Housing Tax Credits<sup>19</sup> are needed, but a lack of subsidies significantly expedites the amount of time needed for a housing project to become “shovel-ready.” Structures of four-units or fewer are especially attractive to would-be small landlords as financing for structures of five-units or more are considered commercial. Additionally, this year, HB 1065 eliminated sprinkler requirements for three- and four-unit structures, removing even more “red tape” from this equation.

In Somersworth, a topic of discussion held by the Mayor’s Housing Task Force has been attention paid to the city’s downtown. As described above, some expressed dissatisfaction that the FBC districts have not been quick to inject housing into the city’s downtown. Members theorize that the FBC was not expansive enough geographically or is limited by the base districts underneath it (see Priority Action 1). Others reflected that there simply is not enough attention paid to the areas outside of Somersworth’s downtown, such as traditional residential neighborhoods in the current R3, HMD, or R2A districts, or the Route 108 area that is not zoned for residential use at this time (see Priority Action 3).

The recategorization seeks to address “gentle density” in quieter neighborhoods, expanding housing opportunities throughout the city, and allow a more localized “flavor” of housing. Adding density where not previously allowed, can be coupled with design guidelines, or through a form based code, that directs new development or redevelopment to consider the existing neighborhood character and patterns.

---

<sup>14</sup> Elorza, J.O. “Absentee Landlords, Rent Control and Healthy Gentrification.” 2007. Cornell Journal of Law and Public Policy. Vol. 17:1.

<sup>15</sup> Rose, G. & Harris, R. “The three tenures: A case of property maintenance.” 2021. Urban Studies. Vol. 59:1 1926-1943.

<sup>16</sup> Mallach, A. “Landlords at the Margins.” 2007. Revisiting Rental Housing: A National Policy Summit.

<sup>17</sup> Inhlanfeldt, K. & Mayock. “The Impact of REO Sales on Neighborhoods and Their Residents.” 2014. The Journal of Real Estate Finance and Economics. Vol 53:3.

<sup>18</sup> See Glossary.

<sup>19</sup> See Glossary.

Where the current zoning allows:	Consider enabling the following:
<b>1-unit dwelling</b>	1- and 2-unit dwellings
<b>2-unit dwelling</b>	3- and 4-unit dwellings 5-to-10-unit dwellings
<b>Multi-unit [3 or more unit] dwelling</b>	11 or more unit dwellings

As a note of caution, where multifamily development is currently permitted in Somersworth, the upper limit on the number of units is only limited by the lot size. When adding granularity, densities should not further restrict current multifamily options.

Current Residential Districts	1 & 2 units	3 & 4 units	5 to 10 units	11 or more units	Current Maximum Allowed by Right
<b>A</b>	1 only				1 unit
<b>R1</b>	Permit				1 unit
<b>R1A</b>	Permit				1 unit
<b>R2</b>	Permit	Permit or CUP			2 units
<b>R2A</b>	Permit	Permit or CUP			2 units
<b>R3</b>	Permit	Permit	Permit	Permit or CUP	3+
<b>HMD</b>	Permit	Permit	Permit	Permit	3+
<b>B</b>	Permit	Permit	Permit	Permit	3+
<b>RB</b>	Permit	Permit	Permit	Permit	3+
<b>RC</b>	Permit	Permit	Permit	Permit or CUP	2 units
<b>RO</b>	Permit	Permit	Permit or CUP		2 units
<b>MH</b>	Permit				1 unit (de facto)

The Planning Board will be faced with deciding which zoning districts these densities belong within. The following proposed recategorization assumes the current base zoning districts and should be modified to accommodate Priority Action 1 above if implemented.

- The districts impacted by Priority Action 1, Business (B), Historical Moderate Density (HMD), and Residential Business (RB), currently allow multifamily structures and should allow all four densities as it is the desired effect for that area of the City and the FBC will continue to allow for them.
- 1- and 2- unit dwellings should be allowed elsewhere in residential districts, with a provision added for maintaining the appearance of a single-family home.

- The Agriculture (A) district should remain in its current form, with no duplexes or adjusted dimensional requirements, to preserve this character “buffer.”

Structurally, we suggest edits to all of the tables starting with **4.A.1** to the end of the document. The list of districts and accompanying footnotes for each use is not clear. We suggest a more typical grid where the columns are sorted by district. Alternatively, if the Board wanted to keep a residential use table separate, the rows could correspond to districts and the four densities could represent the columns of the table. For the purposes of this audit, we have used the latter above.

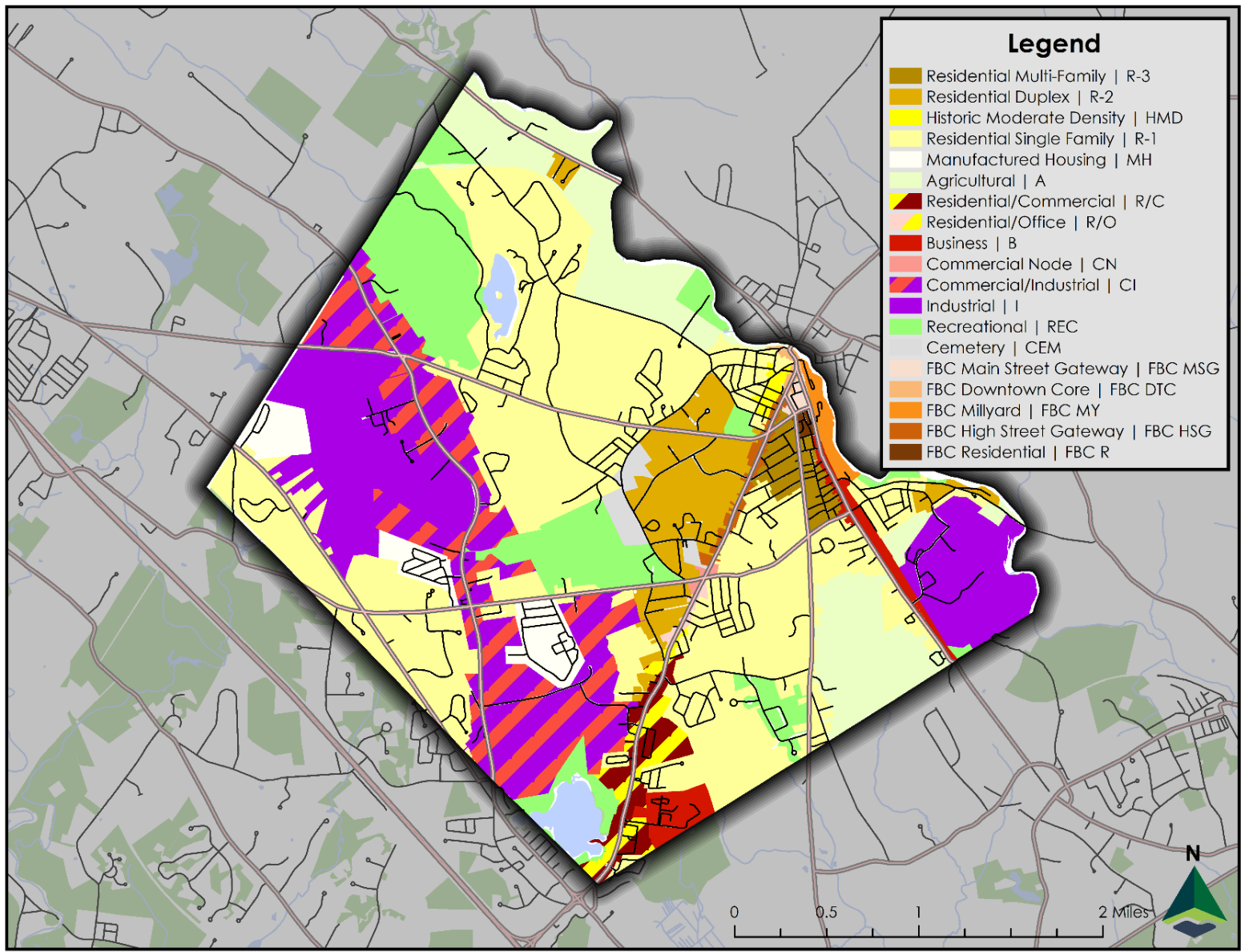


Figure 5 – Scenario 2 Proposed Zoning Map

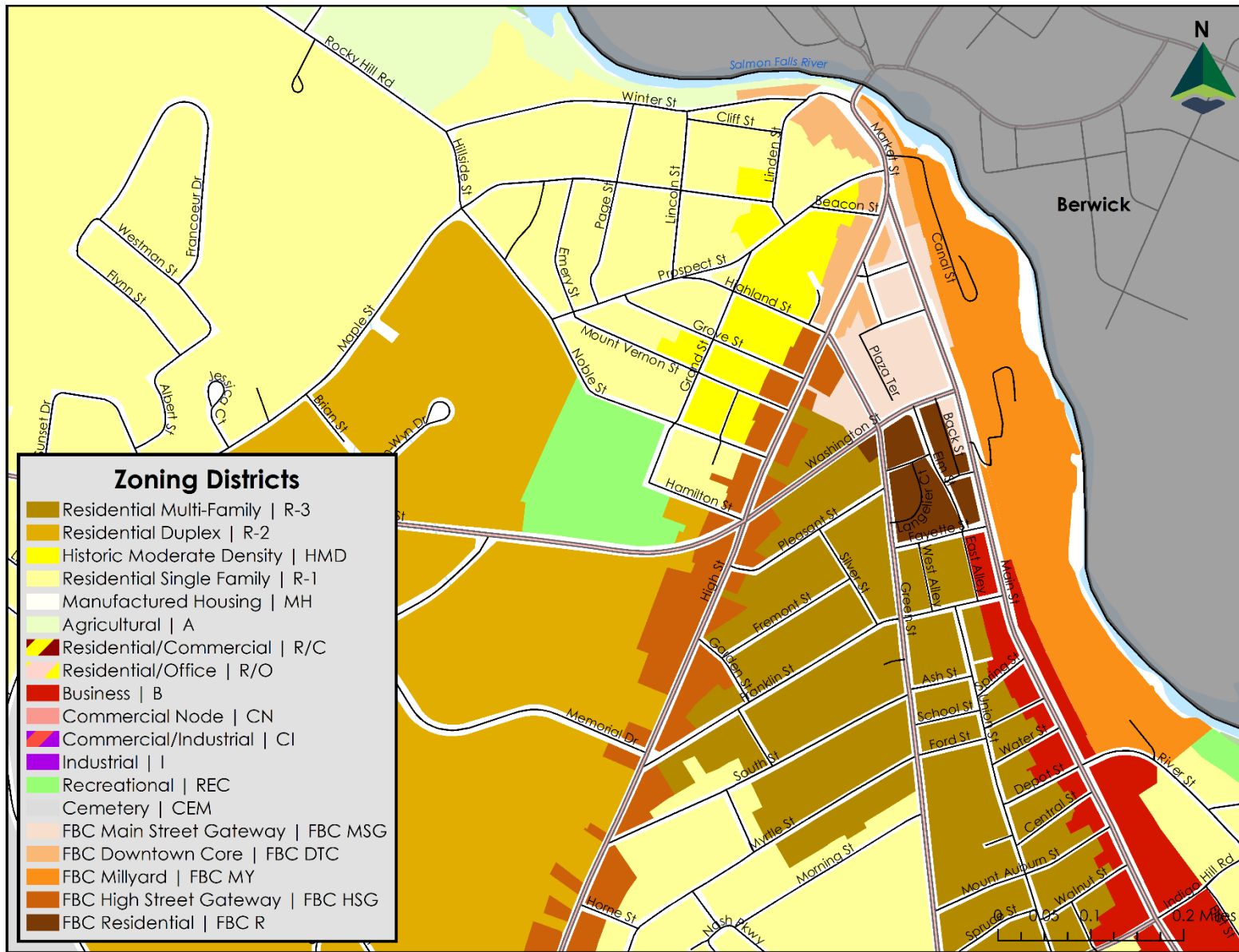


Figure 6 – Scenario 2 Proposed Zoning Map (downtown detail)

### **Priority Action 3: Planned Unit Development (PUD)**

The Mayor's Housing Task Force agreed that allowing Planned Unit Developments (PUDs) within the Route 108 corridor would allow residential development but without conflicting with existing non-residential uses. A few members noted the need for outreach to stakeholders to hear concerns within the area. The New Hampshire legislature enabled PUDs through *RSA 671:21, Innovative Land Use Controls, (e) Planned unit development*.

#### **Overview of PUDs**

Planned Unit Developments (PUDs) allow for a parcel, or group of parcels, to be proposed as a "master plan" development. A break from conventional zoning, PUDs use innovative designs proposed by the developer and flexible design standards approved by the Planning Board to achieve a mix of residential and non-residential uses. Often described as a collaborative effort, the project review process becomes as critical as the zoning text.

Zoning regulations applicable to traditional development might still apply, such as maximum units per acre, minimum lot size, setbacks, road design, and access. In PUDs, Boards and developers negotiate terms unique to each project, such as the mix of primary residence styles (e.g. single-unit, duplexes, elderly multi-unit like assisted living), project phasing, bond requirements, common areas, accessory structures/uses, allowance for mixed-use or commercial uses, and much more. PUD zoning text with targeted objectives for natural preservation, affordable housing, and/or compact walkable design gives guidance for approval and minimizes risk to developers.

Communities can approach permitting and regulatory review in different ways. For example, under the "Purpose" section in Londonderry's Zoning Ordinance, "[t]he PUD Master Plan, and not the underlying zoning, governs how the project is developed...largely independent from current land use regulations...akin to a special zoning district designation...in terms of uses, dimensions, and other development standards." The Londonderry Master Plans preside as the guiding documents for each PUD proposal.

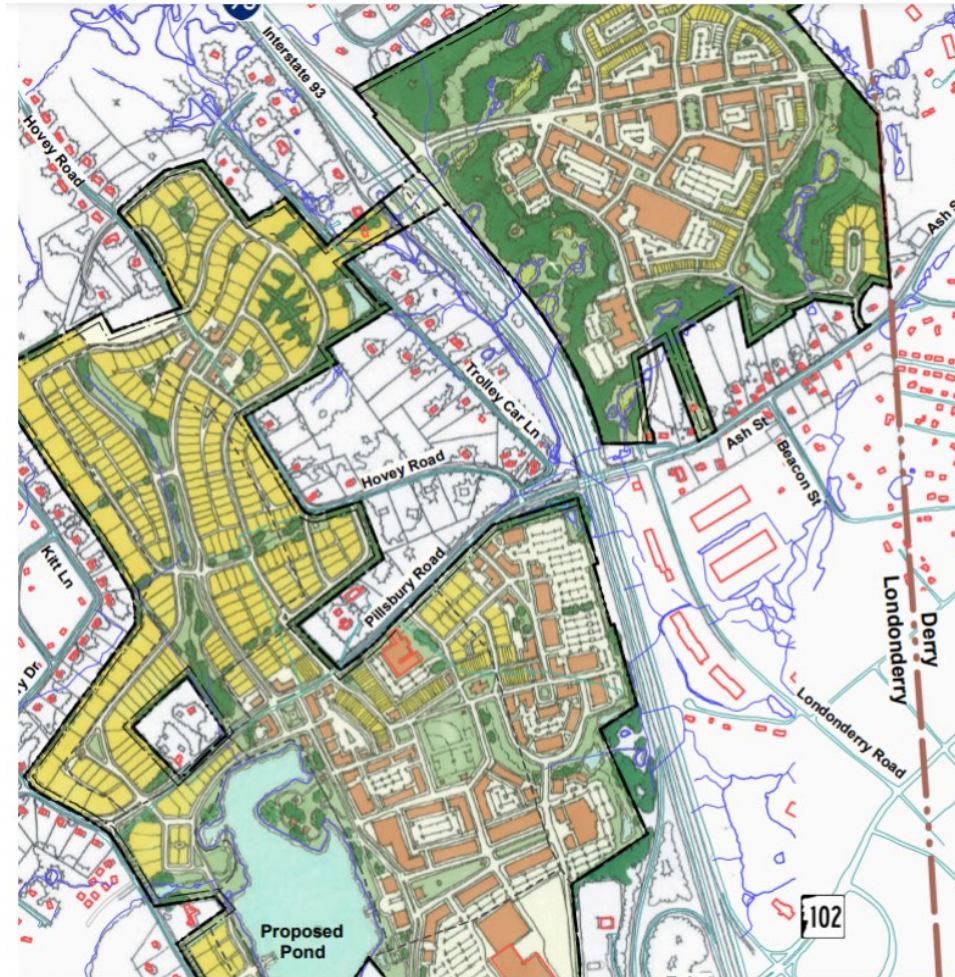
In Concord, the purpose is similar to Londonderry, "permit greater flexibility and more creative design for the development of residential areas... [with a] variety of housing types, choice in tenure, a higher level of amenities, [and] the preservation of the natural and scenic qualities of open space." *However*, in Concord, applicants follow the Site Plan Review process and "the requirements of the Site Plan Review Regulations shall be augmented by the provisions and standards" of the PUD zoning section. Further, Concord requires Subdivision approval if "lots are to be created or a condominium or cooperative established."

#### **Example Projects**

##### **Woodmont Commons | Londonderry, New Hampshire**

Approved in 2013, the project lies over 603 acres and includes 1,400 new housing units, some of which are age-restricted, office space, retail and restaurants, medical space, civic space, and open space. Developers divided the parcels into 12 subdistricts, each with its own mix of street types, block types, and building types.





**Figure 7 – Site plan of Woodmont Commons**  
(Image from New Hampshire Housing Toolbox, courtesy of Pillsbury Realty, excerpt from approved PUD application)

### **Tuscan Village | Salem, New Hampshire**

The 170-acre development, located on the former Rockingham Park racetrack, comprises the Central Village, North Village, South Village and a life science district; The North Village will include a 256-unit, four-story apartment complex and 96 units of

townhouses. When completed, the project is expected to offer approximately 2.8 million square feet of retail, shops, restaurants, hotels, entertainment, office space, and housing options. See all the plans and studies submitted to the Town during the permitting process - <https://salemn timers.gov/597/Tuscan-Village-Plans-and-Studies>.

### Market & Main | Bedford, New Hampshire

Originally approved in 2016 to include hundreds of residences, the mixed-use lifestyle center, over 16 acres, now contains only retail, medical, and office uses. Phase I construction began in 2017 (completed in 2019) and Phase II began in 2022 (completed in late 2023). The project, accessible from Interstate 293 and State Road 101, includes three multi-tenant buildings and two other buildings for shops or restaurants for a total of 69,141 square feet of retail and 32,528 square feet of restaurant space, an office building of 30,000 square feet, plus amenities like the artificial turf field.



Figure 8 – Market & Main Site Plan



**Figure 9 – Market & Main Renderings**  
(Images from MarketandMainBedford.com)

## **Regulatory Considerations**

Should the city consider a Planned Unit Development mechanism, there are several points of discussion and decision to incorporate into an ordinance.

- Clearly state the review process and municipal goals to the greatest extent possible, while allowing maximum flexibility.
  - Overlay district or master plan development?
  - Novel review process or augmented site plan review?
- Residential Uses to allow include single unit detached dwellings (traditional, tiny homes, mobile homes), two-family dwellings, attached dwellings, and/or multi-unit dwellings.
  - Elderly residences for "aging-in-place" including congregate dwelling units, assisted living, or nursing homes.
    - Visiting health care, on-site health care, or 24-hour emergency care.

- Identify minimum percents for each style of residential use (in Concord, each style must account for minimum 20% of total).
- Accessory uses to the primary residences: garages, carports, assigned parking, home occupations, solar, or storage sheds.
- Accessory uses to the PUD such as community rooms, meeting rooms, community gardens, pool, indoor/outdoor recreational areas, and/or storage.
- Non-residential uses: retail, entertainment, food and drink establishments, or service businesses.
- Allow for project phasing, tie bonding to phases; establish requirements for exercising, extending, or abandoning City permits.
- Standards for parking, circulation, and loading for personal vehicles, pedestrians, bicyclists, commercial vehicles, and emergency vehicles.
- Require professional or staff review of operation and maintenance plans for common elements, stormwater management plans, environmental impact assessments, ownership agreements/covenants/restrictions/easements, or other technical documents.
- Standards for architectural design, signage and wayfinding, lighting, communal mailboxes and trash areas.
- Other considerations include snow storage, controlled access/public access including open space and trails.

## Scenario Modeling Results

To test the recommendations of this audit and assess how well they could alleviate existing development constraints, two alternative scenario model runs were conducted in contrast to a “Base” scenario, in other words, the city’s current dimensional and density requirements. An important caveat, the scenario model runs do not predict what *will* be built, but instead, what *could* be built. The model first “creates” multi-family structures, then single family. The intention is to test what is feasible under alternative zoning policies as the City works to meet housing needs and plan for the future.

The adjustments modeled in Scenario 1 estimate 748 units could be built by 2035 (see Figure 10), comprised of 477 single family homes and 272 multifamily units (assumed 4 units per structure as an average across different zoning districts). The number of nonconforming lots dropped from 1,439 to 395 (40% to 11.1% - see Figure 4 and Figure 11). Scenario 1 was based on suggested adjustments from SRPC staff, City staff, and land use board members for the Housing Chapter of the city’s Master Plan in early 2024. This model focused on reducing nonconformities so that at least 90% of lots in each zoning district met the minimum lot size. Additionally, the Residential Business (RB) district was expanded along West High and Washington streets to the boundary of the Commercial Node (CN) district to increase opportunities for light multifamily housing. This Alternative Scenario 1 produced a new full buildout year of 2174.

When establishing a pattern of new development across the landscape, the CommunityViz model accounts for steep slopes, wetlands, and other undevelopable areas. Scenario 1 yields a more sprawling development pattern (Figure 10), similar to the Base Scenario (Figure 3). This is seen in the Agriculture (A) and Single Family (R1) districts, where residents are likely less receptive to expanded growth. Regardless of the type of housing that would be implemented here (single family or multifamily), this pattern is not efficient for provision of city or regional services and infrastructure. Although Scenario 1 alleviates conformity concerns that are often a barrier to changes unrelated to housing supply (parking, decks, accessibility improvements, etc.), it is unable to address concerns about concentrating denser types of housing in an appropriate area, namely the city’s downtown.

In deeper conversation with land use boards and developer interviews, one repeated concern was the overwhelming number of zoning districts. As such, a recommendation from this audit is to make geographical changes to the city’s zoning districts, effectively redrawing much of the zoning map. Alternative Scenario 2, designed to model Priority Actions 1 and 2 of this audit tested the following changes:

- Established the five Form Based Code districts as base districts rather than overlays and expanded the High Street Gateway district along West High and Washington Streets.
- Removed the base districts underneath the proposed Form Based Code base districts.
- Merged the Residential Single-Family (R1) and Residential Single-Family A (R1A) into a single Residential Single-Family (R1) district.
- Merged the Residential Duplex (R2) and Residential Duplex A (R2A) into a single Residential Duplex (R2) district.

Scenario 2 produced an even later buildout year and more capacity for new units, more than the Base Scenario (current zoning) or Scenario 1. Scenario 2 also decreases lot nonconformity to 5.7% of lots citywide that do not meet the minimum lot size requirement (see Figure 15). Scenario 2's comprehensive changes to the zoning districts and map are estimated to yield a total of 747 new dwelling units, 11 single family and 736 multifamily (again assuming 4 units per multifamily structure), by 2035 (see Figure 14). The projected development pattern from these changes does not indicate a preference for development along Route 108 should the CI and CN districts be opened to multifamily residential use.

Most significantly, this development Scenario 2 enables the City of Somersworth to establish a regulatory framework that both meets the community's vision for the future and meets demand for housing supply. Scenario 2 models the major updates proposed to the zoning map that would allow the small amount of "buffer" areas of Somersworth to retain their character while development can be concentrated appropriately in the downtown and traditionally residential neighborhoods surrounding it.

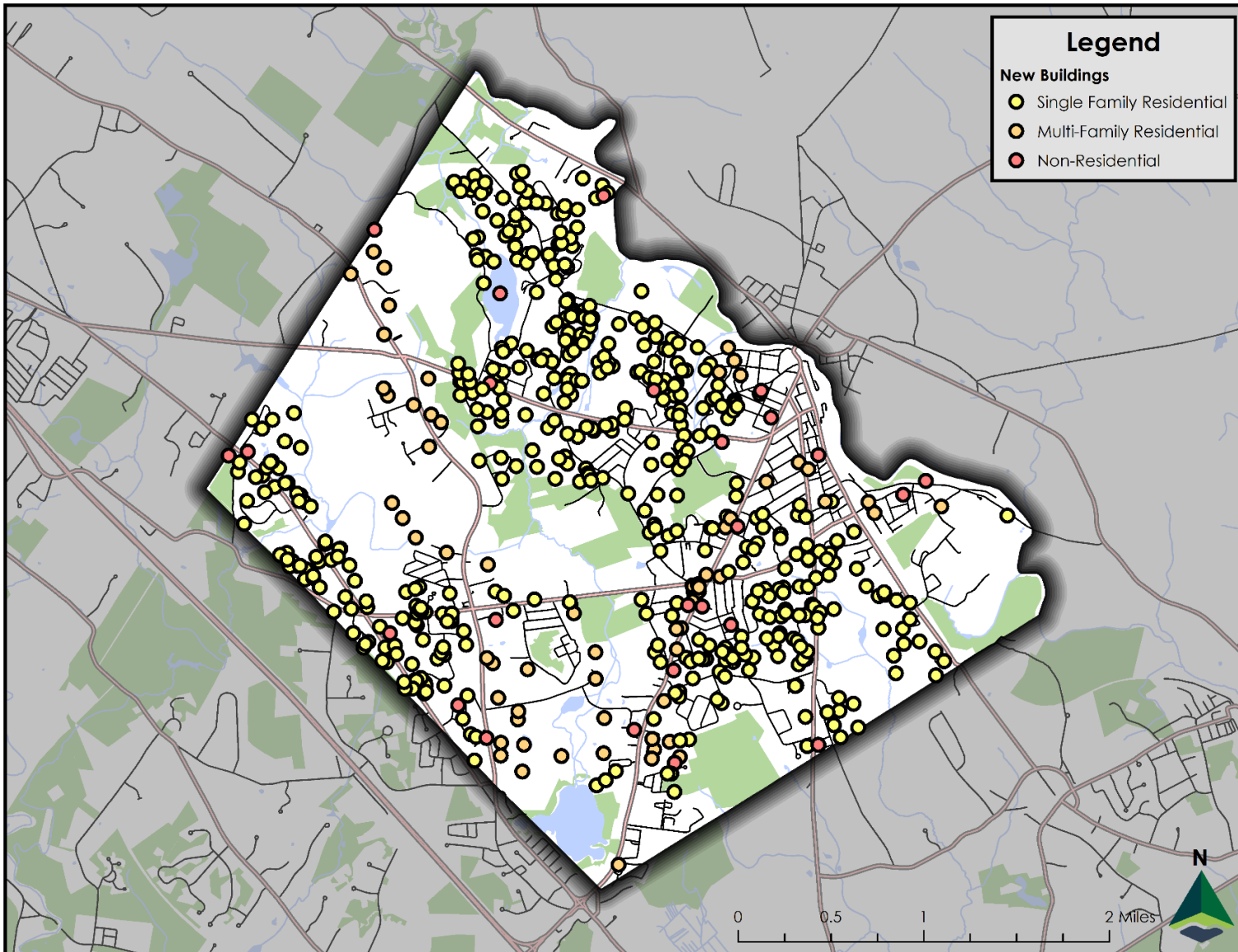


Figure 10 – Scenario 1 Partial Buildout (2035)

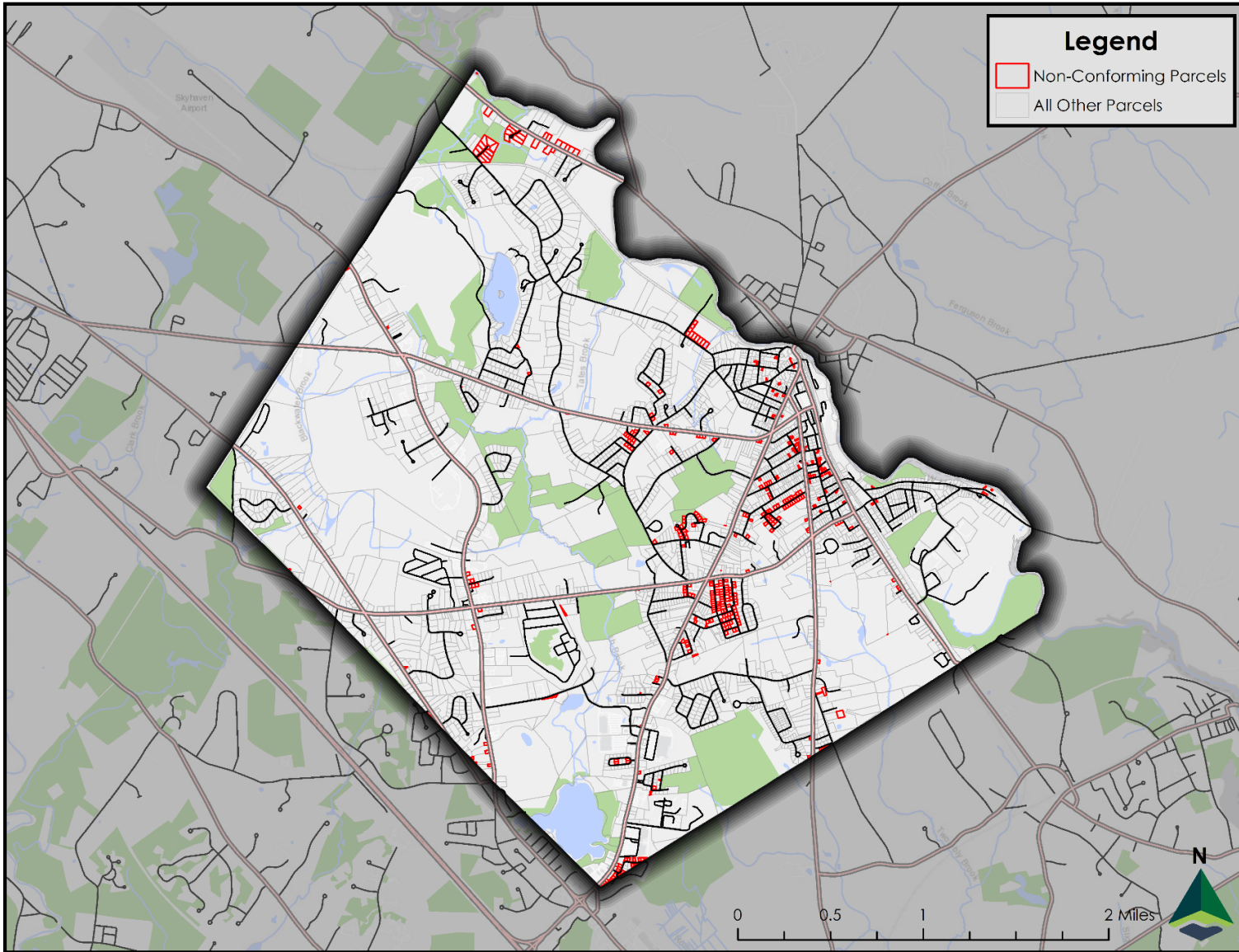
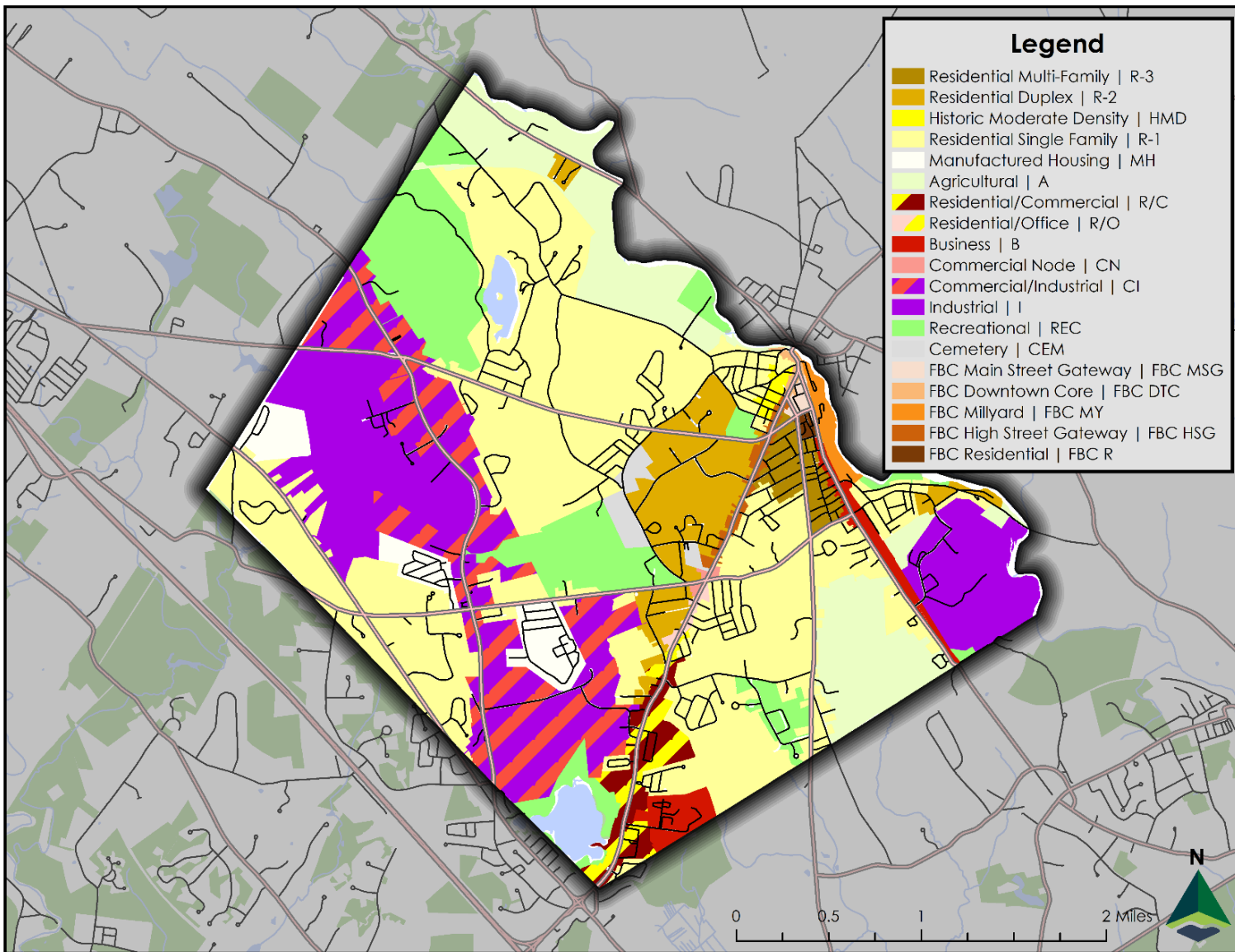


Figure 11 – Scenario 1 Nonconforming Lots





**Figure 12 – Scenario 2 Proposed Zoning Map**

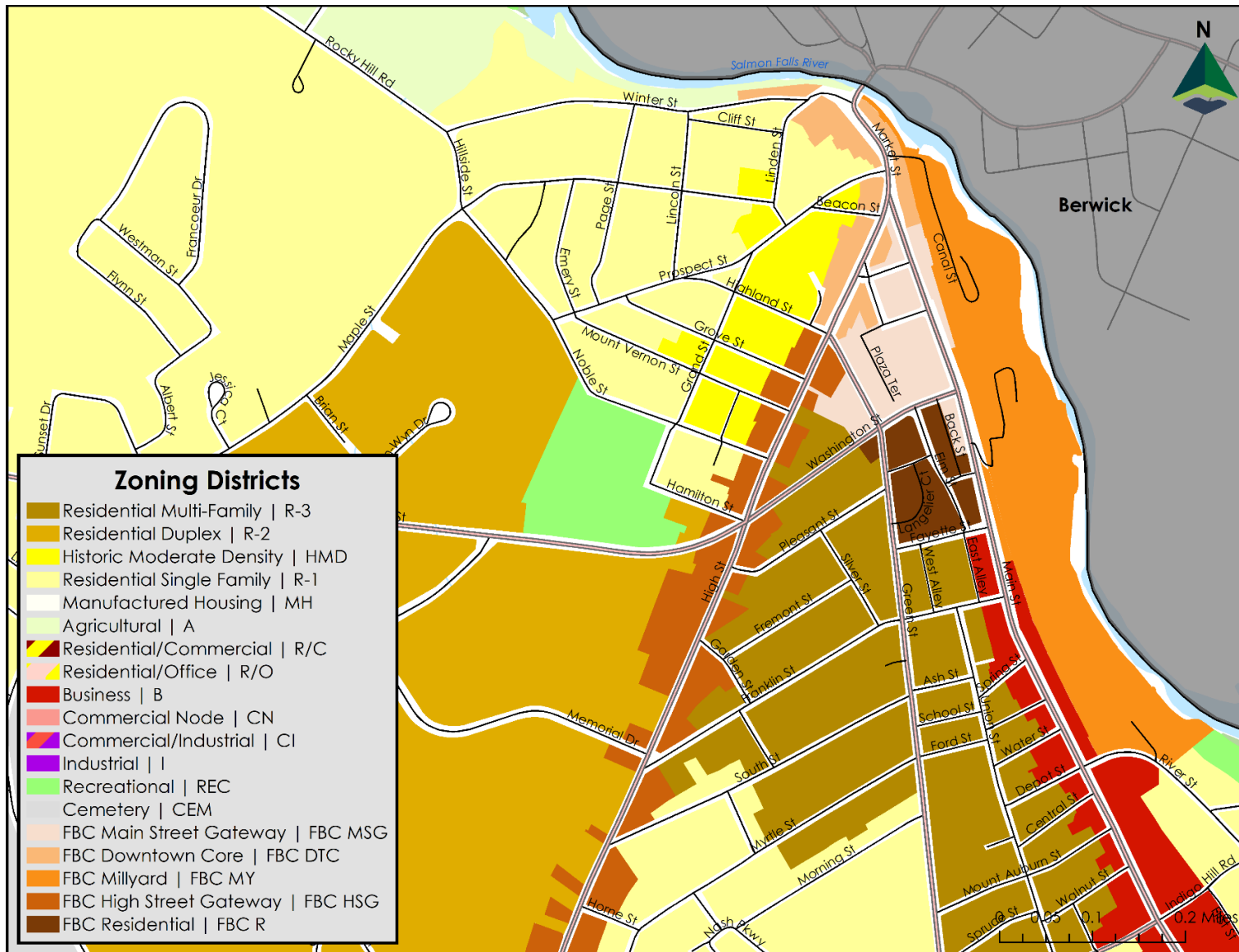
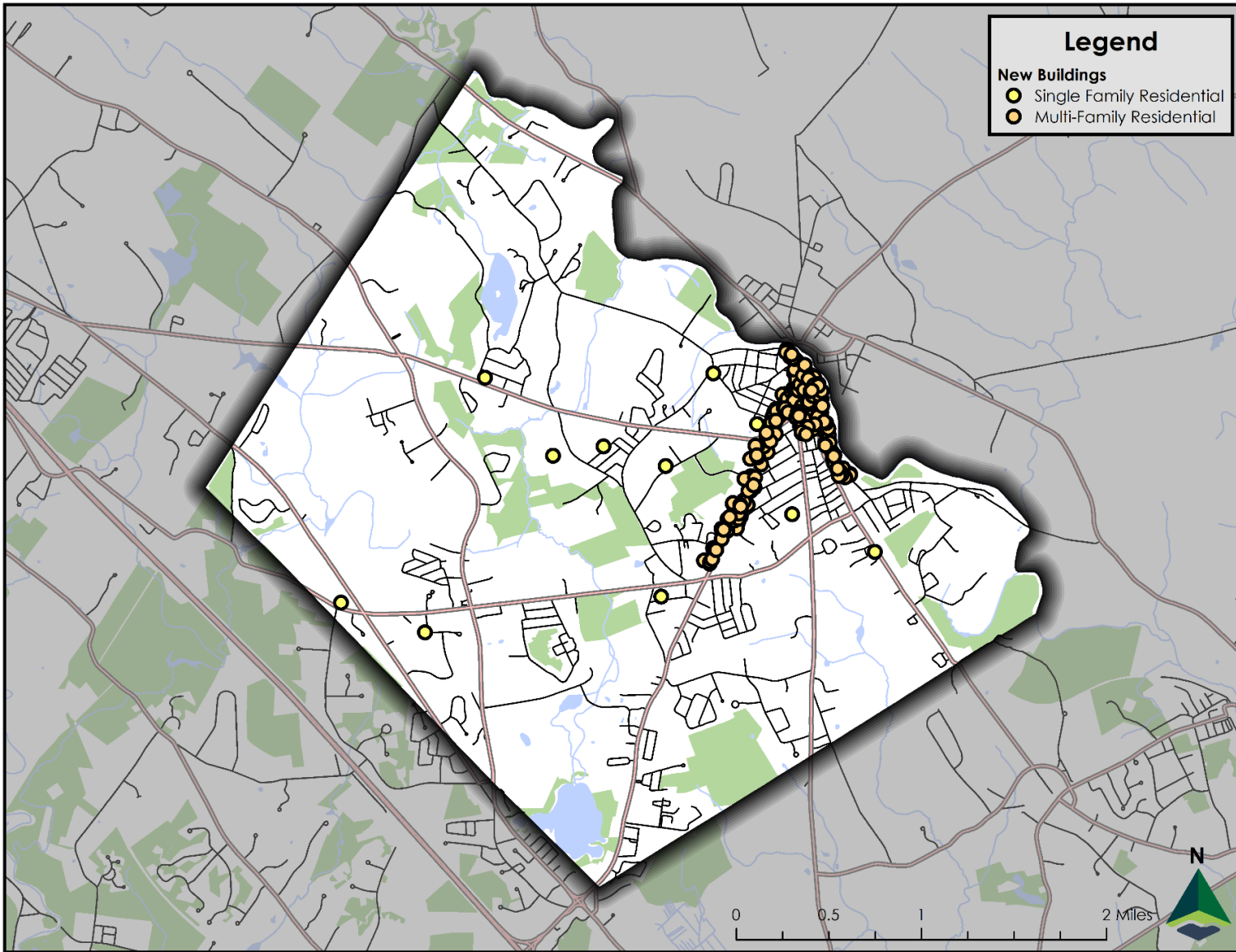


Figure 13 – Scenario 2 Proposed Zoning Map (downtown detail)



**Figure 14 - Scenario 2 Partial Buildout (2035)**

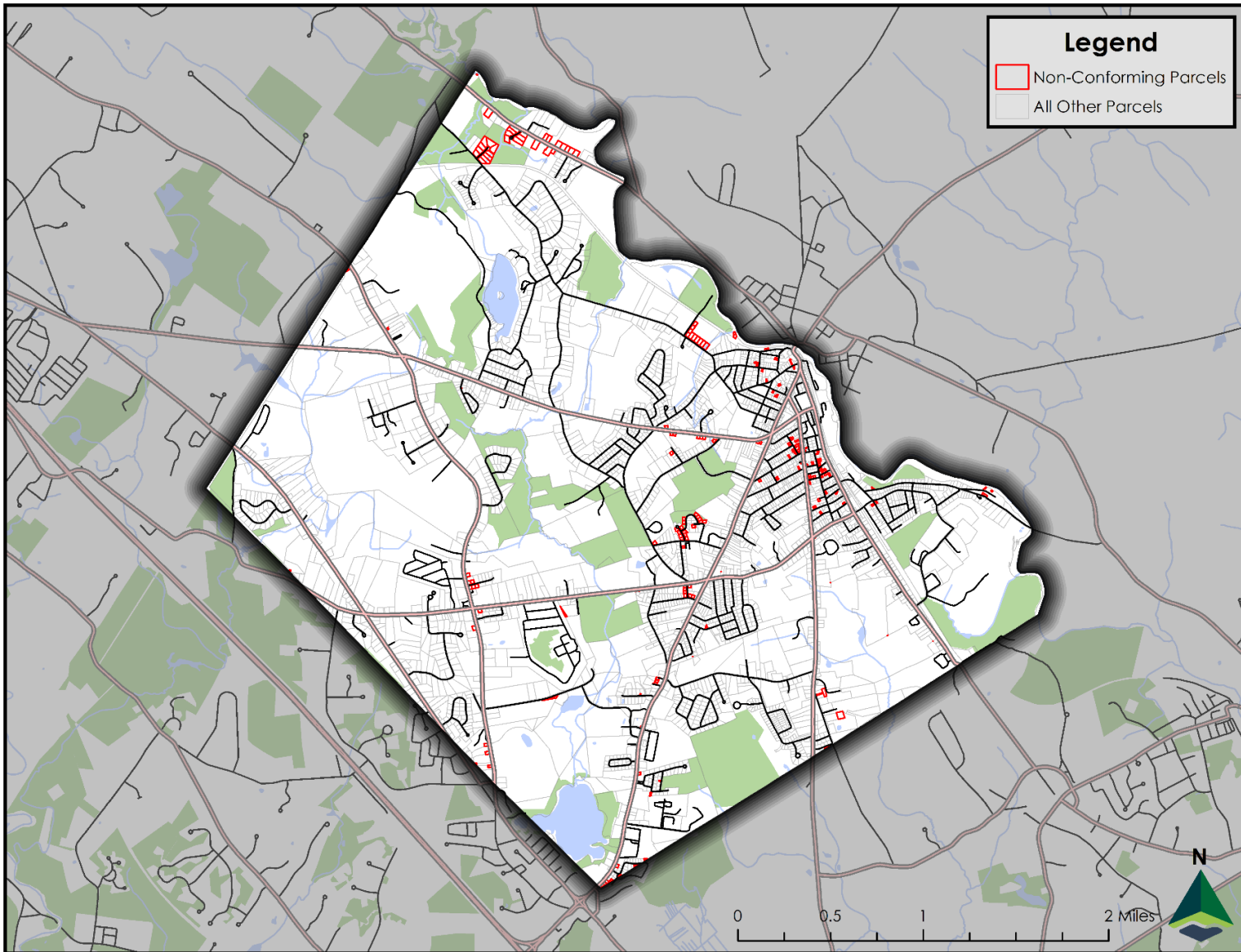


Figure 15 – Scenario 2 Nonconforming Lots

# CITY OF SOMERSWORTH LAND USE REGULATION AUDIT

## Glossary & Appendices



## Glossary

**Complete Streets:** From Smart Growth America: "Complete Streets are a process and approach to street design... there is no singular design prescription for Complete Streets. Each one is unique and responds to its community context. A complete street may include: sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent and safe crosswalks, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, roundabouts, and more." Read more: <https://smartgrowthamerica.org/what-are-complete-streets/>

**DOT:** New Hampshire Department of Transportation.

**ESRI:** The software company producing the ArcGIS line of products, used in all of the mapping exercises completed for the audit.

**FBC:** Form Based Code. In Somersworth, a Form Based Code type of zoning is currently in place as an overlay district for much of the downtown area.

**GIS:** Geographic information systems. A zoning map is an example of this.

**Housing Choice Voucher:** The most commonly known federal income-based housing assistance subsidy, also known as "Section 8." Individuals may qualify for a number of reasons or circumstances, but historically the program relies on landlords willing to take on such tenants. In New Hampshire, Housing Choice Vouchers are administered by NHHFA and individual municipalities with their own housing authorities. Read more from NHHFA: <https://www.nhhfa.org/rental-assistance/housing-choice-voucher-program/apply/>

**HOP:** Housing Opportunity Planning grant series.

**HUD:** US Department of Housing & Urban Development.

**LIHTC:** Low Income Housing Tax Credit (commonly "LIE-tech"). From the Massachusetts Executive Office of Housing & Livable Communities: "Developers of affordable rental housing developments apply to [state housing finance authority] for tax credits. If they are awarded the credit, the developers (either for-profit or nonprofit) seek investors to help pay for the development of the housing. Intermediaries (known as syndicators) act as a bridge between investors and projects and often pool investors' money into equity funds. In exchange for providing development funds, the investors receive a stream of tax credits."

**Missing Middle:** From Arlington County, Virginia: "A commonly-used term that refers to the range of housing types that fit between single-family detached homes and mid-to-high-rise apartment buildings. Examples include duplexes, triplexes, townhomes, and more. Used in this context, "middle" references the size and type of a home, relative to its location – in the middle – on a housing scale spectrum. The cost of these homes vary based on style, size, location, and market forces; therefore missing middle housing types do not correlate with a specific income bracket." Read more: <https://www.arlingtonva.us/Government/Programs/Housing/Housing-Arlington/Tools/Missing-Middle/About>

**NOAH:** Naturally Occurring Affordable Housing.

**NHHFA:** New Hampshire Housing Finance Authority.

**NHMA:** New Hampshire Municipal Association.

**OPD:** New Hampshire Office of Planning & Development, formerly Office of Strategic Initiatives (OSI) and Office of Energy & Planning (OPD).

**RSA:** Revised Statutes Annotated.

**RSA 79-E:** The Community Revitalization Tax Relief Incentive. From the Town of Exeter: "RSA 79-E is a property tax relief program that seeks to encourage investment in town centers and to rehabilitate under-utilized buildings within these areas. The application process is made to the governing body by property owners desiring to make improvements that meet 79-E guidelines as well as the public benefit test. In return, the governing body may provide tax relief at a pre-rehabilitation value for a finite period."

**RSA 674:** The chapter of RSA that pertains to local land use planning.

**SRPC:** Strafford Regional Planning Commission.

**TOD:** Transit-Oriented Development. From Montgomery County, Pennsylvania: "Residential and commercial development near transit that is meant to increase the use of public transit and alternative modes of transportation... Walkable, mixed-use developments can be developed anywhere, but a true transit-oriented development concentrates people and activity around transit and ensures safe and convenient transit access and other transportation options for all people." Read more:

[https://www.montgomerycountypa.gov/DocumentCenter/View/33039/Transit-Oriented-Dev-Book\\_web](https://www.montgomerycountypa.gov/DocumentCenter/View/33039/Transit-Oriented-Dev-Book_web)

**Zoning district, base:** From NHMA: "...sets the standards and describes the uses allowed in that area and the purpose and intent of the district."

**Zoning district, overlay:** From NHMA: "A defined area through the map and ordinance where certain additional requirements are superimposed upon a base zoning district."

## Further Reading

Housing Supply Accelerator Playbook. National League of Cities & American Planning Association. 2024.

[https://planning-org-uploaded-media.s3.amazonaws.com/publication/download\\_pdf/-Supply-Accelerator-Playbookv2a.pdf](https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/-Supply-Accelerator-Playbookv2a.pdf)

"Living with Your Form-Based Code." *Zoning Practice* (American Planning Association). April 2018.

<https://planning-org-uploaded-media.s3.amazonaws.com/document/Zoning-Practice-2018-04.pdf>

Moderately Priced Dwelling Unit (MPDU) program (“12.5% rule”). Montgomery County, Maryland.  
<https://www.montgomerycountymd.gov/DHCA/MPDU/mpdu-program.html>

New Hampshire Housing Toolbox.  
<https://nhhousingtoolbox.org/>

Regional Housing Needs Assessment. Strafford Regional Planning Commission. 2023.  
<https://strafford.org/projects/rhna/>

“Planned Unit Developments.” Mandelker, D.R. *Planning Advisory Service Report no. 545* (American Planning Association). March 2007. <https://www.nhhousingtoolbox.org/resource-archive/PAS-Report-545.pdf>

“Preserving Naturally Occurring Affordable Housing.” *Zoning Practice* (American Planning Association). December 2023.  
<https://www.planning.org/zoningpractice/2023/december/preserving-naturally-occurring-affordable-housing/>

## All References

<sup>1</sup> See “Missing Middle” in Glossary.

<sup>2</sup> [https://strafford.org/uploads/documents/plans/rpc/rhna\\_2023.pdf](https://strafford.org/uploads/documents/plans/rpc/rhna_2023.pdf)

<sup>3</sup> New Hampshire General Court bill text (HB 1065):

[https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?id=1400&txtFormat=html&sy=2024](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?id=1400&txtFormat=html&sy=2024)

<sup>4</sup> See “Complete Streets” in Glossary.

<sup>5</sup> New Hampshire DOT project website: <https://108tricitycompletestreets.com/>

<sup>6</sup> New Hampshire General Court bill text (HB 1400):

[https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?sy=2024&id=1759&txtFormat=html](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=1759&txtFormat=html)

<sup>7</sup> New Hampshire General Court bill text (HB 1202):

[https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?sy=2024&id=1444&txtFormat=html](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=1444&txtFormat=html)

<sup>8</sup> New Hampshire General Court bill text (HB 1400):

[https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?sy=2024&id=1759&txtFormat=html](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=1759&txtFormat=html)

<sup>9</sup> <https://web.archive.org/web/20051112112418/www.ci.farmers-branch.tx.us/Planning/codes7FAQs.html>

<sup>10</sup> <https://www.nashville.gov/departments/planning/long-range-planning/community-character-manual>

<sup>11</sup> <https://duluthmn.gov/media/e5hgtuom/entire-nov-2023-udc.pdf>

<sup>12</sup> <https://ecode360.com/32591412>

<sup>13</sup> <https://chattanooga.gov/public-works/land-development-office/form-based-zoning>

<sup>14</sup> Elorza, J.O. “Absentee Landlords, Rent Control and Healthy Gentrification.” 2007. *Cornell Journal of Law and Public Policy*. Vol. 17:1.

<sup>15</sup> Rose, G. & Harris, R. “The three tenures: A case of property maintenance.” 2021. *Urban Studies*. Vol. 59:1 1926-1943.

<sup>16</sup> Mallach, A. “Landlords at the Margins.” 2007. *Revisiting Rental Housing: A National Policy Summit*.



<sup>17</sup> Inhlanfeldt, K. & Mayock. "The Impact of REO Sales on Neighborhoods and Their Residents." 2014. The Journal of Real Estate Finance and Economics. Vol 53:3.

<sup>18</sup> See "Housing Choice Voucher" in Glossary.

<sup>19</sup> See "LIHTC" in Glossary.

## **Appendix 1: Compiled Responses from Developer Interviews**

### **1. What projects have you worked on in Somersworth?**

- [Not included for anonymization.]

### **2. Can you tell us about your experience working on those projects in and with the City? This can include the development review and permitting process.**

- Positive experience with the Economic Development Office.
- Overall favorable experience with town departments and city council – needed 34 building permits for 34 buildings worth of work. Began with seeking approval at City Council level to apply for HUD’s RAD conversion; onto Planning and Code Enforcement Dept for permitting; Electrical Code Enforcement for inspections, ending with Fire Dept assigned a Fire consultant to oversee any Fire Code related issues and inspections.
- It has been an overall smooth process.

### **3. Related to housing, what are Somersworth’s strengths?**

- Housing remains comparatively affordable. Impressed with strong female leadership in the City, and the willingness of the city to make connections to trails, bike lanes, etc.. The downtown is an asset and infill projects can strengthen to create a gateway to it. There is a lot of opportunity with a strong housing and development plan.
- The enthusiasm to want apartments and building to be renovated and built.
- 79E and friendly abutters.

### **4. What are some areas that need improvement?**

- Incentives needed outside of 79E. It hasn’t been updated to incentivize new development. City needs to put themselves in the shoes of the developer. Why would they build there? How can we connect what we want to incentives and tax abatements. What is the intent behind asking for active retail? Some suggestions: CDBG grants, engagement with NHHFA to structure deals where there is money earmarked specifically for Somersworth.
- Smaller developments/developers might need additional assistance and education from the various city departments throughout the process. The process was long needed to go to both the planning board and city council. There is also some potential difficulty in renovating the historic district. Lastly, there is not a lot of land availability.
- Big picture thinking and better cross-coordination. Uniformity in zoning would be preferred. As would reaching people with a “NIMBY” mindset.

**5. Are there any factors that are holding Somersworth back from developing housing that is affordable and accessible for all ages and income ranges?**

- Need at least 120% AMI rental costs. And make them smaller.
- The “NIMBY” mindset and low current ration of low-income subsidized units that already exist.
- Regulations for mixed use/the percentage of commercial to be included with residential should be revisited. Commercial is currently not enticing to developers. Height and density regulations and waivers to reduce square footage should be explored.

**6. Thinking about our zoning ordinance, design regulations or other regulations, what are the strengths, opportunities and challenges? What changes need to be made to address these?**

- The commercial mandate on the ground-floor is not working. Incomes in Somersworth will not support the type of retail that may work best in the City. Also, the process for variances is challenging. Staff in the City should be more forthcoming about partnerships and opportunities. There also needs to be more incentives to bring business into the community and potentially a more robust Economic Development Office. There also needs to be more focus from the city on relationship building.
- Additional property tax breaks and improved availability for partnerships.
- In general, lax density requirements. Also, more incentives, property tax breaks, a clear zoning path and some uniformity.

## **Appendix 2: Land Use Boards Ranking of Audit Recommendations**

### **Response Rate:**

1. Mayor's Housing Task Force – 8
2. Planning Board – 6
3. Historic District Comm. – 6
4. ZBA – 4
5. City Council – 3
6. Cons. Comm. – 1

### **What is the first change the city could make?**

1. Streamline development process
2. Loosen restrictions or other general zoning comments
3. Affordable housing % requirement
4. Mixed use on Route 108
5. Allow duplexes and triplexes

### **Broad categories as identified by SRPC: Which area needs to be addressed most urgently?**

#### *All Boards:*

1. Encouraging infill
2. Reorganizing zoning ordinance and/or map modifications
3. Missing middle housing
4. Site plan & subdivision regulations

#### *MTF only:*

1. Encouraging infill
2. Reorganizing zoning ordinance and/or map modifications
3. Missing middle housing

#### *ZBA only:*

1. Reorganizing zoning ordinance and/or map modifications
2. Encouraging infill
3. Site plan & subdivision regulations

PB only:

1. Reorganizing zoning ordinance and/or map modifications
2. Encouraging infill
3. Missing middle housing
4. Site plan & subdivision regulations

HDC only:

1. Reorganizing zoning ordinance and/or map modifications
2. Encouraging infill
3. Missing middle housing

**Area 1: Zoning Reorganization & Map Modifications**

<b>MTF ranking</b>	<b>PB ranking</b>	<b>ZBA ranking</b>	<b>HDC ranking</b>	<b>All ranking</b>
1. Dissolve base districts under FBC	1. Dissolve base districts under FBC	1. Revise list of districts	1. Maximum allowable occupancy (related individuals)	1. Dissolve base districts under FBC
2. Consolidate R districts	2. Revise list of districts	2. Revise purpose & boundary restrictions	2. Dissolve base districts under FBC	2. Consolidate R districts
3. Maximum allowable occupancy (related individuals)	3. Revise purpose & boundary restrictions	3. Dissolve base districts under FBC	3. Revise purpose & boundary restrictions	3. Revise list of districts

*Key Quotes:*

- *"Cleaning up the existing is helpful but I think lower impact that really digging in and starting over- all form based ideally. It's too complex, piecemeal, and dated. This is a big lift however."*
- *"The ones above that were no choice was chosen are because I don't feel they should even be on the table. Creation of a subsidised manufactured housing development with homes at a maximum of 775 sqft (14x55) making them more affordable and provides ownership. Management done by SHA"*

## Area 2: Infill Development

MTF ranking	PB ranking	ZBA ranking	HDC ranking	All ranking
1. Remove 1989 conversion requirement	1. Allow street level res	1. One-pagers/ brochures for districts	1. Allow res/mixed use in CI and CN	1. Remove 1989 conversion requirement
2. Allow res/mixed use in CI and CN	2. Define and include mixed use	2. Allow res/mixed use in CI and CN	2. One-pagers/ brochures for districts	2. Allow res/mixed use in CI and CN
3. Define and include mixed use	3. One-pagers/ brochures for districts	3. Remove 1989 conversion requirement	3. Remove 1989 conversion requirement	3. Define and include mixed use

### Key Quotes:

- *"Cut the set back requirements by 50% and require off street parking depending on size of the units."*
- *"Infill is the primary opportunity for housing growth in this city and we should do everything we can to make it easier- ideally as of right."*
- *"This question depends on the district. Within the Historic District, caution is suggested to maintain existing characteristics, outside the Historic District less regulation is needed."*
- *"Street level residential use if more than 50% of that level is commercial and the residential use is restricted to the rear of that level"*
- *"Allow up to 3-4 unit multi family on hilltop."*

## Area 3: Missing Middle Housing

MTF ranking	PB ranking	ZBA ranking	HDC ranking	All ranking
1. Recategor-ization of multifamily	1. Recategor-ization of multifamily	1. Recategor-ization of multifamily	1. Allow detached ADUs	1. Recategor-ization of multifamily
2. Allow detached ADUs	2. Reduced/ waived fees for ADUs	2. Allow detached ADUs	2. Recategor-ization of multifamily	2. Allow detached ADUs
3. Reduced/ waived fees for ADUs	3. Allow detached ADUs	3. Increased max ADU size	3. Define PUD	3. Increased max ADU size

### Key Quotes:

- *"Market drives this need. A few years ago, we had too much low-income housing. Here we are a few years later, without significant changes to zoning or development, we now have no affordable housing."*

- *"NO to [increasing maximum ADU size]. Too many opportunities to create new apartments making in necessary to sprinkler the whole structure. Yes to the part about an accessory structure to the ADU as long as max lot coverage is not exceeded."*

**Area 4: Site Plan & Subdivision Regulations**

<b>MTF ranking</b>	<b>PB ranking</b>	<b>ZBA ranking</b>	<b>HDC ranking</b>	<b>All ranking</b>
1. Adjust multifamily parking requirements TBD	1. Adjust multifamily parking requirements TBD	1. Adjust multifamily parking requirements TBD	1. Adjust multifamily parking requirements TBD	1. Adjust multifamily parking requirements TBD
2. Adjust downtown parking requirements TBD	2. Limiting curb cuts	2. Adjust threshold for Site Plan review	2. Adjust downtown parking requirements TBD	2. Limiting curb cuts
3. Limiting curb cuts	3. Adjust downtown parking requirements TBD	3. Adjust downtown parking requirements TBD	3. Limiting curb cuts	3. Adjust downtown parking requirements TBD

*Key Quotes:*

- *"Another broad question that does initiate a relevant idea without diving into more specific conditions."*
- *"RFP for a parking garage in the plaza parking lot location with fees for parking in it. Metered parking at street level in the B zone. Proceeds should cover enforcement staffing."*

**Methodology**

Land Use Board members were instructed to assign 20 recommendations in four topic areas one of the following options, each with a "weight" to score it:

- High impact and high feasibility (3)
- High impact and low feasibility (2)
- Low impact and high feasibility (2)
- Low impact and low feasibility (1)

## **All Areas Top Recommendations**

All of the following had 9 or more “high-impact-high-feasibility” responses.

1. Recategorize multifamily to have more granularity and greater densities. (Missing Middle)
2. Dissolve the base districts under the Form Based Code. (Organization & Map)
3. Reduce multifamily parking requirements. (Subdivision & Site Plan)
4. Limiting curb cuts, especially on Route 108. (Subdivision & Site Pan)
5. Allow conversion of structures built after 1989. (Infill)
6. Reduce parking requirements downtown. (Subdivision & Site Plan)
7. Allow detached Accessory Dwelling Units. (Missing Middle)
8. Allow residential and mixed-use in the Commercial Industrial and Commercial Node districts. (Infill)



### **Appendix 3: Abbreviated ZBA Requests 2018 to 2023**

- December 2023 – Detached ADU in R1A – denied
- June 2023 – 2-family to 3-family in R3 – denied
- January 2023 – 1-family to 2-family in R3 – denied
- January 2023 – Detached ADU in R1 – granted
- June 2022 – Use conversion to 2-family in R2 – denied
- May 2022 – 2-lot subdivision does not meet frontage in R1 – granted
- February 2022 – 3-family to 4-family in R3 – granted but applicant did not proceed.
- January 2022 – 1-family to 2-family in R3 – denied
- July 2021 – Res use on first floor in B – granted
- February 2020 – 2-family in R1 – denied
- November 2019 – Res use on first floor in B – granted
- September 2019 – 8-unit in R/B – granted
- February 2019 – Red use on first floor in B – granted
- December 2018 – Inadequate parking for multifamily in B – denied
- December 2018 – Conversion office to res in R/B – granted
- December 2018 – Multifamily in R/B – granted
- November 2018 – Duplex does not meet frontage in R2 – granted
- October 2018 – Parking for multifamily in R3 – granted
- September 2018 – 2-lot subdivision does not meet frontage in R1 – granted
- April 2018 – Res use on first floor in B – granted
- February 2018 – Continue expired 2-family use in B – granted