

Housing: Goals, Objectives, and Strategies¹

Introduction

With regard to housing, two of the three goals listed in the 2005 Windham Master Plan remain largely unmet: first, enabling seniors and long-time residents to remain in town and second, expanding diversity in housing options for moderate-income, often younger adult residents.

The third 2005 goal, urging “participation in a coordinated regional approach,” was addressed with enactment of Windham’s “Workforce Housing” zoning provision, which created an (optional) residential overlay district with upper price limits measured by the income levels of a broad, multi-jurisdictional metropolitan area defined by the U.S. Department of Housing and Urban Development. Reflecting the housing needs of an inclusive geographic population extending well beyond Windham boundary lines, that zoning provision remains in effect today, though rarely used by builders. Without precluding future opportunities that may also occur for a “regional approach” to housing, we continue to emphasize the first two unmet goals, now combining them together under the heading, “A. Promote Diverse Housing Options.”

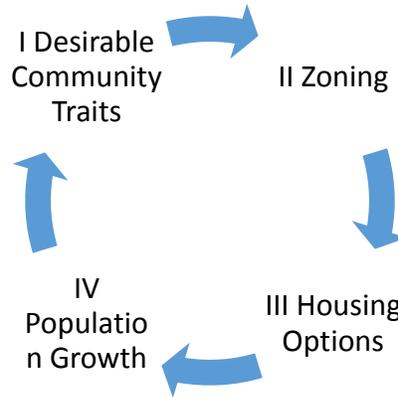
In addition, and in light of considerable residential development during the past decade and resultant decrease in Windham’s available land and resources for residential use, we now address two added concerns: “B. Respect the Limitations of ‘Challenged land’” and “C. Address Groundwater Adequacy.”

Unlike many towns in the state, Windham was one of few New Hampshire communities that continued to experience positive population growth throughout the past decade. Available developable land has decreased as a result. Meanwhile, population projections continue upward. From the town’s 2016 estimated population of 16,100, growth is projected to continue at a rate of approximately 1% per year, reaching 16,787 in 2020 and 17,504 in 2025, respectively.²

Given the conflicting pressures of decreased developable space on one hand and growing population projections on the other, we urge evaluation of future residential development in light of a broader, overriding question: Do statistical population projections drive our zoning and planning objectives, or do our zoning and planning objectives drive Windham’s future population growth? In the interest of proactive, community-centered planning, we recommend the latter. The illustration below shows the preferred process in future planning of residential growth in Windham.

¹ Prepared in February 2017 by the Windham Planning Board Subcommittee for 2015 Master Plan “Housing” Chapter, convened in late 2016. Subcommittee members include Jonathan Sycamore, Public Member; Jennifer Simmons, Selectman Representative; Marilyn Bailey, Public Member; Terri Lucas, Public Member; and Ruth-Ellen Post, Planning Board Representative and Subcommittee Chairman.

² Population projections taken from proposed (not yet adopted as of this writing) 2015 Chapter of Windham Master Plan, “Demographic and Socio-Economic Characteristics,” page 5.



To help preserve the unique character of our town and to ensure public safety, services, and adequate resources to all town residents, Windham’s future population growth should be shaped by sound zoning and planning objectives – not vice versa.

A. Promote Diverse Housing Options

Single family homes account for about 80% of Windham’s housing stock, with the remaining 20% consisting mostly of condominiums and a small proportion multi-family housing. From 2012 to 2016, the median assessed value of a Windham home increased from \$345,800 to \$374,310. For example, the number of homes assessed in the \$500,000 to \$1,000,000 range increased by 431 units, while housing stock at or under \$280,000, as another example, dropped by 200 units.

Exhaustive efforts in past years to facilitate “Workforce Housing” as mandated by NH statute resulted in only 8 such units across two developments. Meanwhile, the lack of moderately-priced housing (at or below the current median price) for young professionals, teachers, medical support personnel, and other moderate-income workers have been identified by many at both state and local levels as a handicap to local employers and robust economic growth.

At the other end of the age spectrum, Housing for Older Persons has seen significant increases in recent years, up to 248 units as of this writing with at least 123 additional units recently approved for future construction. Given what is often cited as our “graying population,” current demographics appear to support such increases. In terms of affordability, however, this category of housing has trended towards price points more or less paralleling Windham’s above-average home pricing trends.

These numbers suggest that, despite the 2005 Master Plan goal for more moderate-priced housing, Windham overwhelmingly remains a town of single-family dwellings in price ranges that are above-average for our area. Consequently, the need continues, and indeed may have become even more urgent since 2005, for reasonable increases in moderate-income housing options for young professionals, retirees, and residents aging in place.

Accordingly, there is a need for continued emphasis on better accommodating the housing needs of comparatively underserved moderate-income populations across *all* age groups -- in appropriate balance with the other issues raised in this Chapter regarding sustainable water usage and protecting safety and environmental resources in the development of “challenged” land.

To that end, the following strategies are recommended:

1. Consider forming a Task Force on Affordable Housing to consult with the Regional Planning Commission, local developers, real estate professionals, and other knowledgeable sources to identify impediments to construction of Workforce Housing (only 8 units built over a period of several years) and, if possible, to create strategies for increasing the development of moderately-priced housing options in general.
2. Examine whether the recent trend favoring age-restricted Housing for Older Persons adequately addresses the need for reasonable affordability, or whether recent construction for this demographic group actually parallels Windham’s generally above-average home prices. Are the needs of prospective retirees and those aging in place adequately served by development in current price ranges? If not, consider strategies for encouraging, and perhaps mandating, the inclusion of moderately-priced units in future “Housing for Older Persons” proposals. For example, density bonuses for some proportion of moderately-priced units, rather than costly outdoor amenities (walking trails, clubhouses, etc.) might offer a productive incentive.
3. Review Zoning Section 602.1.9, “Accessory Apartments” for full compliance with the new state law on Accessory Dwelling Units, NH R.S.A. 674:71 to :73, such as for consistent definition, and other factors. Also, promote accessory dwellings as an affordable alternative to conventional housing for family members and others.
4. Support and encourage the development of “elderly” (for residents aged 62 or above and meeting low-income qualifications under federal law) rental housing at modest prices, such as that which, as of this writing, is under consideration for town-owned land off Fellows Road.
5. Consider rezoning to encourage non-age restricted multi-family residential options and to promote increased availability of rental units.
6. For all age groups including young professionals, consider strategies for integrating moderately-priced or multi-family housing options among conventional higher-priced single family developments in a way that does not adversely impact surrounding home values. For example, zoning and subdivision provisions might be revised to encourage

unobtrusive placement of aesthetically compatible duplexes and/or triplexes among traditional single family homes in otherwise conventional and open space subdivisions.

7. Aggressively explore grant funding to research and support these and other creative efforts to increase Windham's proportion of moderately-priced housing options -- without significant impact on neighboring home values or undue burden on safety, services, and resources.

B. Respect the Limits of "Challenged Land"

As the Town of Windham approaches full build-out, it appears that much of the Town's flat, dry, easily-developable land has in fact been developed, particularly in residentially-zoned areas. Consequently, sizeable parcels remaining for residential development may consist of what could be called "challenged land." For purposes of this Chapter, we define challenged land as a parcel having a topography containing one of more of the following characteristics:

- Substantial areas of granite ledge
- Substantial areas of steep slopes (grade of 8% or greater)
- Substantial wetlands
- Sizeable areas within the Wetland and Watershed Protection District (WWPD)
- Sizeable areas within the Cobbett's Pond and Canobie Lake Watershed Protection District

The "challenges" inherent in these five characteristics derive from the risks they pose to specific community interests. Those interests include public safety, the quality of both surface and ground water for domestic and recreational use, and the continued health of natural resources for the benefit of present as well as future residents. While landowners' constitutional right to productively develop their land always remains beyond question, such rights are not absolute; they are also subject to the broader interests of the public and neighboring communities as well as the spirit and intent of the provisions created to protect those interests.

Understandably, waivers and zoning variances are often sought for development of land characterized by the challenges listed here and, clearly, the granting or denial of zoning variances is beyond the purview of this Chapter. Nevertheless, it needs to be recognized that if waivers and variances are granted without adequate regard for the safety risks and environmental losses our zoning provisions and subdivision regulations are designed to prevent, then those risks may incrementally increase over time to the detriment of the greater community.

When nonconformity to town ordinances or regulations are permitted, appropriate measures to mitigate the potentially harmful effects of such nonconformity need to become a routine part of that process to ensure that the "public interest" continues to be served and that the "spirit of the ordinance" is indeed honored.

In keeping with the goal of protecting the community from the safety and environmental risks of residential development of what is defined here as “challenged land,” the following strategies are recommended:

1. Review the “Purpose” statements of Windham’s environmental and safety provisions that limit development of topographically challenged land, whether in Zoning Ordinances, Subdivision Regulations, or elsewhere, for explicit articulation of the “public interests” they promote and protect (a major criterion for zoning variances). Where greater specificity or clarity would provide better guidance to those who grant, seek, or oppose waivers and variances, rewrite the “Purpose” provisions for more explicit guidance to all parties. Conversely, consider eliminating any restrictive provisions that do not promote a community interest that can be clearly articulated.
2. Review the basis of yield plan calculations in Housing for Older Persons and Open Space Subdivisions (or in any future zoning scheme requiring such calculations) to ensure that such calculations are indeed based on land not restricted by the kind of topographical challenges cited here. Also ensure that yield plan calculations are made without reference to any waivers or variances that may be granted for the five criteria listed in the Introduction above (steep slopes, wetland, WWPD, etc.), to prevent inadvertent inclusion of otherwise unbuildable land in those important calculations.
3. Ensure that, when waivers to environmental or safety regulations are granted by the Planning Board, that due recognition is given to the public interests those regulations are meant to protect and that such waivers are accompanied by appropriate mitigation efforts.

C. Address Groundwater Adequacy

For residential water usage, our community relies almost entirely on privately-owned wells, mostly located on individual lots and drawing on groundwater in our local aquifer. Except for one or two condominium developments recently affected by groundwater contamination, there are currently no plans for bringing a public water line to residential areas.

Meanwhile, reports in recent years increasingly suggest there may be growing incidence of private wells becoming unproductive and insufficient to sustain normal household use, even as residential construction continues. Data provided by the NH Department of Environmental Services (DES) indicates that Windham is more reliant on bedrock wells than any other town in the state. Windham’s Community Development Director reports that 20 wells were replaced in 2016 with an additional, unreported number of wells simply being deepened or hydro fractured due to insufficient capacity.³ Monitoring wells maintained by the U.S. Geological Survey for nearby Massachusetts towns indicate alarming decreases of groundwater supply, which have

³ Windham Independent News, February 3, 2017, p. 11

been reduced to a very small fraction of previous levels. (No USGS monitoring appears to be taking place in New Hampshire.) In addition, the NH DES recommended in 2016 that all towns and cities urge their residents to reduce water usage after almost two years of sustained drought and concerns about continued water availability. Pursuant to that, the Town of Windham restricted lawn watering from October, 2016 to May 2017.

Taken together, these factors raise concerns about the ability of our local aquifer to sustain even current levels of water usage, particularly when adverse conditions, such as droughts, occur. Given previously-stated projections in population growth, plus the competing water needs of mainly wells-based commercial development, the ability of our aquifer to sustain these added uses becomes a matter of still greater uncertainty.

Consequently, the third major goal of this Chapter is to explore and identify options for ensuring adequate water supply for future residential development, while also conserving current supplies as much as reasonably possible. To achieve that goal, the following strategies are recommended:

1. Because we lack sufficient data to respond authoritatively to these concerns, appropriate measures should be taken to better ascertain current levels of water availability from the local aquifer so that sound, fact-based planning can then take then place. Such measure may include:
 - a. Form a Task Force to study Windham’s groundwater availability, existing and potential problems, and workable solutions.
 - b. Seeking public or private grant funding, town funding, or some combination thereof, to conduct a definitive hydrogeological study of local groundwater availability.
 - c. GIS mapping of our aquifer to identify any historic changes in location or visible size.
 - d. A well-publicized, online residential survey of private well history and data.
 - e. Public “Town Meeting” style discussions for residents and town officials to share information and discuss these issues productively.
 - f. Working collaboratively with neighboring towns to attract state (and perhaps federal) assistance to further address what may well be a widespread, regional water availability issue.

2. Amend zoning and/or subdivision regulations to require a hydrogeological study for subdivision and condominium proposals greater than a designated size as may be determined by the Planning Board such as, for example, 20 bedrooms (5 four-bedroom homes, 10 two-bedroom condos, etc.). Also, require such a study to include projected impact on well-water availability to abutters and nearby residences.

3. Consider developing reasonable, enforceable restraints on the installation and usage of lawn irrigation systems, such as requiring rain sensors and any other technological features that may become available in the future to minimize water usage. Also, promote substitutes for conventional expanses of lawn, such as rain gardens and other conservational alternatives.
4. Develop a reasonably reliable means of continually monitoring local groundwater availability, perhaps in cooperation Windham homeowners, NH DES, and/or neighboring towns.

Conclusion

The three main concerns for future residential growth are (1) unmet need across all age groups for moderately-priced housing; (2) increased reliance on land burdened by topographical impediments, in potential conflict with important safety and environmental restrictions, and (3) unknown ability to sustain current and future pressures on our groundwater supply. To avert increasing problems with these issues, proactive planning should precede substantial population growth.