

Multi-Family Residential Overlay District Questions and Answers

WHAT, WHY, WHERE, AND HOW MANY

Why is the Planning Board proposing this ordinance? Can multi-family housing be built without it?

As stated in the "Purpose" section of the proposed Multi-Family Residential Overlay (MFRO) District ordinance, the intent is to provide an opportunity for multi-family residences, of three to six residences, to be created in a manner that is consistent with the Town's single-family character. NH statute ([RSA 674:58-61](#)) requires communities provide a reasonable opportunity for affordable Workforce Housing. As part of this same statute, every municipality must allow for multi-family residences within the community; however it is not required to be allowed in a majority of the residential areas. Currently, multi-family residences are not permitted within the Town of Litchfield. Additionally, this Ordinance was proposed in order to implement the goals related to the provision of a diverse supply of housing set forth in the [Litchfield Master Plan](#).

What is the risk of not adopting this ordinance?

Any municipality that fails to provide a "reasonable and realistic" opportunity for the creation of multi-family housing can be legally challenged by a developer. What does this mean to the Town of Litchfield? Failure to adopt an ordinance, or revise the current zoning, would leave the town in violation of this state statute and at risk of being challenged and incurring substantial legal costs. Additionally, in the absence of a multi-family zoning provision, if a challenger were successful, the court could permit the development despite its non-conformance with the town's regulations, granting what is commonly called a builders remedy. Thus, the town would be faced with the inability to control the location and development of multi-family housing; potentially siting this development anywhere in town.

In order to protect Litchfield's community character, ensure future development that is consistent with the town's master plan, and eliminate the risk of unnecessary legal fees and court action, Litchfield must adopt a multi-family housing ordinance.

Where will Multi-Family Residential be permitted and why were these locations selected?

The Planning Board has carefully considered where to permit multi-family residences in Litchfield to protect existing character, promote a future land use pattern without potential for conflict, and provide a reasonable and realistic opportunity. The selected areas in town include all areas north of Leach Brook, given the areas proximity to Manchester and Londonderry and existing higher density character. In the south end of town, multi-family residences will be permitted in the transitional district and select adjacent parcels given this areas existing mixed use (residential and commercial) nature and existing land use patterns that are consistent and compatible with multi-family residences. Use of the Transitional zone and area north of Leach brook will ensure that the remaining majority of town composed of residential development maintains that character.

How many acres are included within the MFRO district and how many of those acres are developable?

Of Litchfield's total 9,784 acres, there are 883 acres (excluding roads) and 355 parcels included within the proposed MFRO District, or approximately 9% of the total area within the Town of Litchfield. Within the MFRO District there are a total of 55 parcels and 307 acres that are currently vacant (98.7 acres or

32% is one single parcel owned by the State of NH) and another 9 parcels and 110 acres are agricultural properties. The remainder of the proposed district is comprised of developed parcels, however, this does not account for the potential for existing developed properties to be subdivided and/or redeveloped.

How many units might be constructed on those developable acres and will this spread all over town?

Within the proposed Multi-Family Residential Overlay District, only 7 of the 9 agricultural parcels and 16¹ of the 55 vacant parcels have sufficient land area to meet the minimum lot size for a three unit multi-family structure after accounting for development constraints such as wetlands and other water bodies, steep slopes, and conservation lands.. Assuming all developable areas are contiguous within a parcel and that the largest number of units allowed by the proposed ordinance is constructed on each parcel, there is the potential for 50 multi-family structures (294 dwelling units) on those denoted as vacant, and if the agricultural properties were developed, another 33 possible structures (190 units).

While the potential number of units that may theoretically be supported by the developable land area may be mathematically computed, there are many unknown factors that determine the actual number to be developed. First and foremost are market conditions such as demand, developer interest, and availability of financing. Other factors include overall community population growth rate and household characteristics. Generally, across the region, communities are no longer seeing the high rates of growth that were experienced during the 1970's through the 90's. Litchfield specifically, has seen a decline in its annual growth rate which during the 70's was at a high of 11.4%, falling to 2.9% in the 80's and 90's and further falling to 1.2% in the most recent decade.

Multi-family housing will be limited to only those areas included within the overlay district.

THE BASIC REQUIREMENTS

What are the proposed area and dimensional requirements?

The base multi-family area requirement builds upon Litchfield's existing residential requirements. Single and two family residences currently require 1 and 1.5 acres (or a density of 1 unit/acre and 1.3 units/acre) respectively. Multi-family residences with 3 dwelling units will require 2 acres minimum (density of 1.5 units/acre) and an additional 5,000 square feet of land area for each additional dwelling unit up to a maximum of 6 units per structure (2.34 acres for a 6 unit structure or a density of 2.5 dwelling units/acre).

All multifamily residences will require 200 feet of road frontage. This is equal to the current frontage requirement for duplexes. Given that the smallest lot possible will be 2 acres, a lot with exactly 200 feet of frontage would require a depth of approximately 435 feet. Additionally, consistent with all single and two family residences, multifamily residences are required be set back from the road 50 feet, maintaining a consistent street pattern with existing and future neighboring structures. Lastly, all applicants will need to meet State permit requirements for subsurface/septic systems.

¹ There is one additional parcel owned by the State of New Hampshire originally intended for regional transportation enhancements. This parcel, after deducting development constraints includes an additional 92 developable acres and potential for approximately 31 multi-family structures totaling 186 dwelling units.

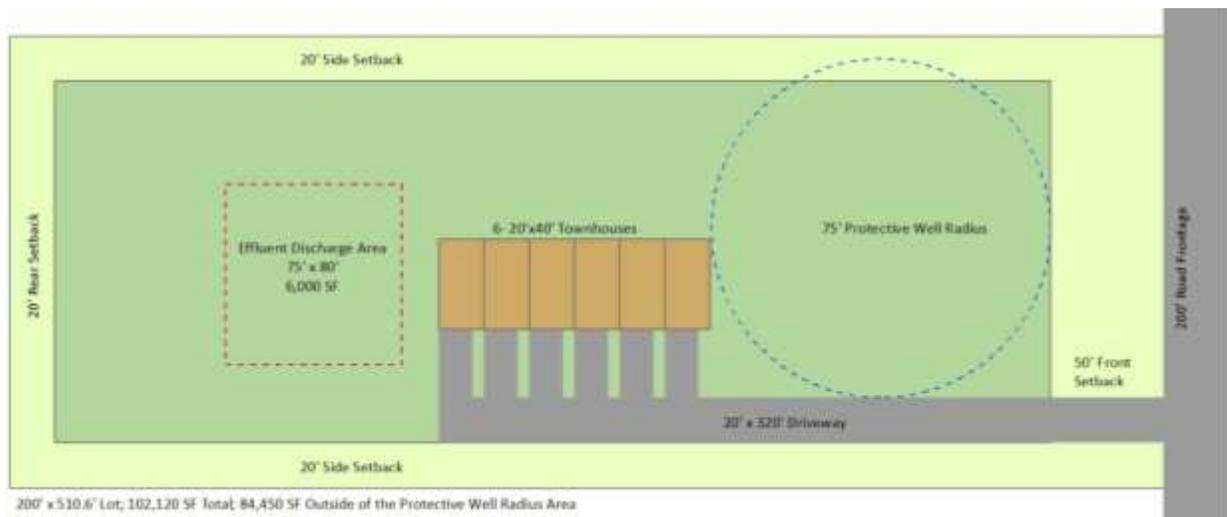
Are there density bonuses offered to developers under this ordinance?

No. However, the minimum number of acres required per structure increases incrementally beyond 3 units per structure in recognition that multi-family structures are generally smaller in their gross floor area per unit and when collocated utilize less land area than other forms of development.

Is 2.34 acres sufficient to provide parking, water, and septic for a 6 unit multi-family residence?

Yes, 2.34 acres should be sufficient for a 6-unit multi-family structure with onsite water and septic. However, every site is unique and dependent on the specific site conditions and availability of public water supplies, some locations might require more or less land than the minimum. Using the example of a 6 unit multi-family residence with 2 bedrooms per unit, proposed on a lot that has moderately well-drained and well-drained soils and a slope of 8-15 percent, the NH Department of Environmental Services requires a minimum lot size of approximately 84,000 SF outside of the protective well radius area. This is approximately 18,000 SF less than the minimum lot size required by the proposed ordinance (102,120 SF), accommodating the necessary area for a 75’ protective well radius (17,633 SF). Using this same example and selecting a midrange value for the percolation rate, this same structure would require approximately 5,000 to 6,000 square feet for a conventional septic system effluent discharge area which can be accommodated with the NH DES required lot size area.

A lot with exactly the required 200 feet of frontage would need a minimum depth of 510.6 feet. Additionally based upon townhouse (garage under) style construction with a footprint of 40 feet by 20 feet per unit, the total structure footprint would be 40 feet by 120 feet or 4,800 SF. The following diagram demonstrates this example with the inclusion of well, septic and driveway areas.



What impacts are other towns seeing from permitting multi-family residences?

This question was posed to planning staff in several of the surrounding or nearby communities. The following are their direct replies.

Currently, *Pelham* only allows multi-family housing in its business district. However, there is an application coming to the Zoning Board of Adjustment for a multi-family subdivision in the heart of the residential district that proposes individual houses with commonly owned grounds under the condo form of ownership. From a planning perspective this makes sense but it is a first-of-its-kind application for Pelham.

Milford does not have a lot of housing demand, single or multi-family. They had a couple of mixed-use multi-family dwellings come through, i.e. apartments (max of 2) attached to a commercial building. There have been discussions with developers on attached Townhouse developments. Other than small scale the town doesn't foresee anything for the near future.

How do Litchfield's proposed requirements compare to other towns?

The following table compares Litchfield's proposed ordinance with other communities' ordinances.

Town	Minimum Lot Size	Max Units/ Structure	Frontage (feet)	Setbacks – Front, Side	Maximum Density	
					3 Units	6 Units
Bedford	Minimum lot area of 1 acre	12	100	35, 25	12 units/acre	12 units/acre
Hollis	Minimum lot area of 4 acres	NA	50	50, 35	4 units/acre	4 units/acre
Hudson	53,560 SF for 3 units + 5,000 SF each additional unit	NA	150	50, 15	2.4 units/acre	4.9 units/acre
Litchfield	2 acres for 3 units + 5,000 SF each additional unit	6	200	50, 20	1.5 units/acre	2.5 units/acre
Londonderry	Varies (.65 x soil based min lot size) 14,000 SF per unit with septic	16-20	100	40, 35	3.8 units/ acre with septic (varies based on soil type and number of bedrooms)	
Milford	Minimum lot area of 20,000 SF	NA	150 or 225	30, 15	5 units/acre	5 units/acre
Pelham	3 acres plus 10,000 SF for each bedroom beyond 10	NA	200	40, 30	1 unit/acre	1.7 units/acre
Wilton	0.5 acres w/ water & sewer per unit; 1 acre otherwise	3 w/water & sewer; otherwise 2	100	35, 15	0.5 or 1 unit/acre	NA

MAINTAINING COMMUNITY CHARACTER

Your ordinance is short and vague. Does it provide sufficient control to guide future construction?

The ordinance has been crafted to be consistent with existing zoning for residential uses. While the ordinance may be brief, it sets forward all area and use requirements that are needed specific to the multi-family use. All applicants are still required to adhere to underlying zoning district provisions, §400 General Provisions, and other overlay districts including the floodplain, wetlands and aquifer districts. Additionally, unlike single family residential development, all multi-family residential development is subject to the Town's Site Plan Regulations, and where a subdivision is proposed the Subdivision Regulations too.

How will the Planning Board ensure the development is consistent with local character?

The Multi-Family Residential Overlay District includes a section on performance standards that calls for all applications to submit plans and elevations, along with their Site Plan application, for the proposed construction demonstrating consistency with the town's existing character. The board will review

applications to ensure the proposed structure will not appear out of context with the neighboring existing structures. Additionally, the Site Plan Regulations include further provisions relative to building design, parking, pedestrian safety, and buffers.

How will parking be regulated?

Parking will be consistent with existing Site Plan Regulations governing parking for older persons housing developments. Applicants will be required to provide areas for parking two vehicles per individual dwelling unit. Appropriately engineered permeable/pervious surfaces may be constructed to provide for one of the space and adequately sized garages (minimum 24' x 20') qualify for required parking. Where one way roads less than 24 feet in width (20 ft. minimum) are utilized or driveways of dwellings cannot accommodate 2 guest vehicles without blocking sidewalks, additional on-site guest parking will be required.

What forms of ownership will be permitted?

As with the current zoning provisions, the town only regulates the proposed use, area and dimensional standards, performance, and life safety. The town does not regulate ownership. Consistent with existing regulations, ownership may be in the form of owner occupied, rental or condominiums.

What does multifamily housing look like?

The following represent a variety of examples of recent construction or significant rehabilitation of existing structures to create new multi-family homes. Each could fit within Litchfield's proposed Multi-Family Residential Overlay District in that that have no more than 2 stories and have anywhere from 3 to 6 units per structure.



The Parsonage, Rye, NH
NNECAPA Photo Library



Parkhurst Place, Amherst, NH
Great Bridge Properties



The Groves, Middleboro, MA
Fine Associates Architects



Ossipee Village Apartments, Ossipee, NH
Great Bridge Properties



Condominiums, South Lake Tahoe, CA
NNECAPA Photo Library



Lyman Meadows Condominiums, Hinesburg, VT
NNECAPA Photo Library



Washington Street Estates, Penacook, NH – before
Bing Birdseye View



Drewsville Manor, Walpole, NH
NHHFA, *Housing Solutions for New Hampshire*

ANTICIPATED IMPACTS

What uses are permitted in the transitional zone and might be adjacent to the multi-family housing?

From the Town’s Zoning Ordinance §901 the following uses are permitted in the Transitional District include (uses not listed are prohibited):

- Single and duplex residences occupied prior to March 14, 1989, home occupations within such residences, and the replacement of such residences due to loss as a result of fire, flood or other natural disaster, or due to condemnation.
- Professional and business offices.
- Schools, including day care centers and nurseries.
- Churches and associated parsonages.
- Public or semi-public non-profit recreational facilities.
- Agricultural uses.
- Accessory uses to the permitted uses including the retail sale of commodities where such retail sales are secondary and customary to the principal use.
- Mixed use - Commercial/Residential as follows: a maximum of one residential unit may be developed in conjunction with a commercial use. The residential unit shall be accessory and subordinate to the use of the lot for commercial purposes. Minimum lot size shall be one acre

(43,560 square feet). Septic systems must be designed, sited and constructed to adequately handle all wastes from the commercial use and the residential unit.

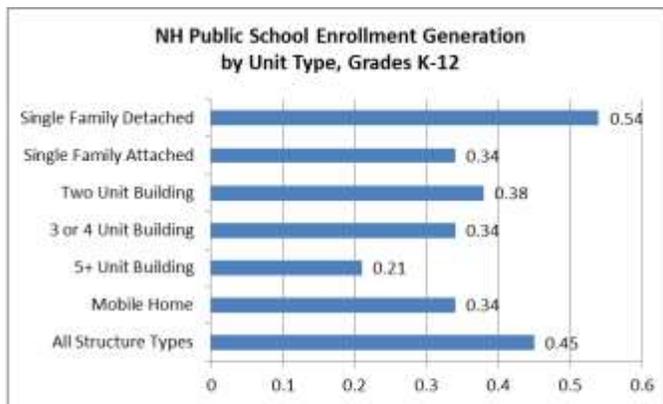
- Utility structures of less than 200 square feet in area.
- Independent Living / Open Space Housing Development for Older Persons.

Any uses not listed are prohibited. Additionally, two or more principal uses may be located on the same parcel without subdivision.

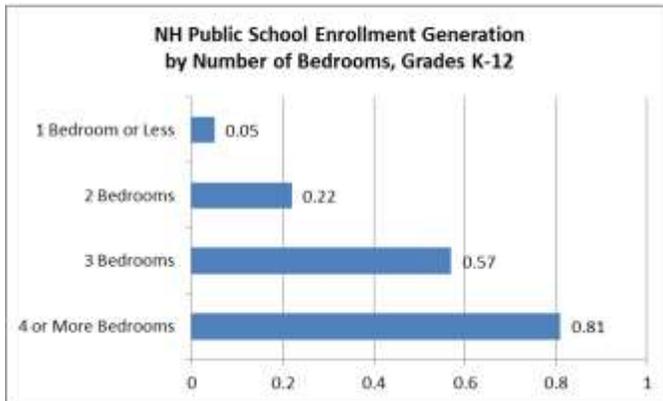
Will this ordinance impact Litchfield’s ability to bring new businesses to the town?

Multi-family and workforce housing are both critical to a prosperous economy. Businesses, to be successful, are dependent on a readily accessible workforce, and as not all jobs offer the same income, this workforce can only be supplied with the provision of diverse housing options. The NH Business and Industry Association cites workforce housing as its top issue when advocating for economic development “initiatives that promote New Hampshire's strong business climate and help businesses stay profitable and competitive in the regional, national and global economies.”

Will multi-family housing create a sudden influx of families with children and impact our schools?



No. In 2005 the NH Housing Finance Authority sought an independent analysis of the impacts of housing on school enrollment figures.² The study focused on a sample of communities across the State and utilized US Census data from 2000. Overall, the study found that *traditional single family residential development with 3 or more bedrooms was the greatest generator of children*. Why is that? Most families choose a larger home with more bedrooms to accommodate their family size. At the opposite end of the spectrum, multi-family residential with 5 or more units in the structure or 2 or less bedrooms, typically appeals to households without children, such as young professionals or empty nesters.



While this study uses 2000 Census data, we can assume that this trend has not changed significantly. Over the last decade fertility rates have generally decreased, reducing the average household size and the number of children.

² [Housing and School Enrollment in New Hampshire: An Expanded View, May 2005](#); Prepared for NHHFA, by Applied Economic Research, Laconia, NH

THE WORKFORCE HOUSING STATUTES (RSAs 674:58-61)

Why did you permit the construction of 3 and 4 unit structures when we are only obligated to provide for 5 units and greater under the Workforce Housing Statute?

The Statute calls for 5 units and greater to ensure opportunities for multi-family that qualifies for affordable housing financing. However, the standard definition of multi-family is three units or greater. By selecting 3 units and greater, Litchfield has opted to remain consistent with standard zoning practices and meet the letter of the law. Additionally, by allowing 3 and 4 unit multi family, the town has allowed for greater flexibility in design and creation of smaller structures that will better blend with the Town's existing land use and community character.

Will the proposed ordinance satisfy Litchfield's requirements under the Workforce Housing Statutes to provide affordable multi-family rental property?

Yes. The statute only calls for communities to provide a reasonable and realistic opportunity for such housing to be created. The statutes do not specify how much, where, or how a community is to meet this requirement, acknowledging that these are local decisions to be made.

Does the town already have sufficient housing to satisfy its obligation under the Workforce Housing Statutes?

The Town has not conducted a detailed analysis of its existing housing stock to compare the relative affordability to the Town's varied family income levels. However, given the recent depreciation of home values, it is assumed that home values are relatively more affordable in general. However, even if the Town has an adequate supply of existing affordable housing to meet its fair share obligation, the town is still not absolved from its obligation to allow for multi-family housing.

What are the Planning Board's long term objectives for meeting the Workforce Housing Statutes?

The Planning Board intends to review its existing housing stock and valuation during 2012 and take further steps at that time to amend its existing regulations or propose new language to ensure a reasonable and realistic opportunity is available for housing affordable to all households in the years to come.