



TOWN OF DURHAM
15 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064 603/868-8065
FAX 603/868-8033
www.ci.durham.nh.us

Town Planner's Recommendation
Wednesday, February 12, 2014

XI. ***Public Hearing - 15 Madbury Road and 8 Mathes Terrace.*** Formal site plan and conditional use for redevelopment of two lots for a three-story **mixed-use student housing development**. BAA Realty Acquisitions, LLC and EZT Holdings, LLC, c/o attorney Christopher Mulligan, applicant; **BAA Realty Acquisitions, LLC and Theodore Finnegan**, owners; Michael Sievert, MJS Engineering, engineer; Robin Wunderlich, building designer. Tax Map 2, Lots 12-5 and 12-6. Central Business Zoning District. ***Recommended action:*** Discussion and continue to February 26.

➤ I recommend discussion and continuing the public hearing to February 26

Please note the following:

- The application was accepted as complete on January 8
- The applicant has provided a fair amount of information and documentation speaking to the issues that have been raised.
- The applicant met with the TRG recently. The Police Chief believes that overseeing Mathes Terrace can be workable. We will ask for more information from Chief Kurz on this.
- Tom Johnson believes that construction of the site could be largely accomplished without significant encroachment into Mathes Terrace. We will need to examine the construction management plan very carefully. Is this possible? If so, what conditions would be needed to effect that? And can construction be kept off of Mathes Terrace to provide a high level of confidence for the Planning Board that the existing property owners and business owners will suffer minimal reasonable inconvenience?
- The applicant has been in contact with the Fire Department.
- The applicant is meeting with the Conservation Commission and the Energy Committee.
- Can parking of students be managed realistically so that there will be minimal reasonable inconvenience?
- More discussion is needed about the various issues.
- I would like to point out the great importance of trust and respect that is involved in complex, high impact projects such as Mathes Terrace, Madbury Commons, and Orion. While the review process must be an objective one, and I believe that the applicant is not legally required to reveal his name, invariably communication and trust is important. The developer of Mathes Terrace is ultimately saying, I believe, "We can design and engineer a workable solution and we are committed to implementing it properly." How can the Town feel confidence about this in such a sensitive setting, if the applicant is not even willing to attend Planning Board meetings to engage in a dialogue with the Planning Board and the community, let alone to even reveal who he is?
- The key question continues to be: Can the applicant provide a high level of confidence that each of the concerns can be adequately addressed to minimize the likelihood of significant problems in the future?

- Valuable changes have been made in the project, including elimination of basement units, reducing the height of the buildings, trying to follow a four-square type design loosely, adding parking, reducing the number of beds.
- Is the scale and number of beds acceptable at this point? If not, what is the appropriate number and size?
- The Planning Board is meeting with the Town Attorney on Wednesday at 5:00 p.m. in closed session to discuss this project.