

## MEMORANDUM

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February 20, 2014

To: Michael Behrendt, Town Planner  
From: Dave Kurz, Chief of Police  
Re: Mathes Terrace Project

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*Update:*

*I have had recent discussions with an abutter of this property who was concerned that I have changed my position on this project. I want to reiterate that my opinion on this project has been constant and very **consistent** regarding my concern pertaining to the right of way owned by all the abutters of Mathes Terrace. As a private right of way, the Durham Police **cannot** enforce parking regulations as there are none under the public domain! Access, egress, blockage are not a police matter since it is not a public roadway. It has been my premise that the issues surrounding passage and blockage must be minutely designed and agreed to in the planning documents so that the disagreements between property owners will not digress to a police matter putting us into an untenable situation!*

*At the last meeting of the Technical Review Committee, the owner's representative Mike Sievert stated emphatically that they could work on their property and would have minimal impact upon the right of way **and** those times when there would be disruption would be negotiated with the abutters. Given those assurances, my concerns were made moot!*

I reviewed the proposal for the demolition of two buildings and the construction of new apartment/commercial complex at Madbury and Mathes Terrace and have the following comments:

- From the police perspective one of the more challenging issues of this project pertains to the access road known as Mathes Terrace. The police deal exclusively in criminal law and the real property access and/or ownership of Mathes Terrace is not within our purview. However, I fully expect during construction and/or demolition of the buildings under review that there will be access challenges, while temporary in nature, they will occur! While the Durham Police cannot dictate that each abutter possess a mutual understanding of each other's needs pertaining to access, there needs to be some semblance of understanding from all abutters. Absent that understanding the challenges will spill over into a police dilemma that offers no resolve. A clear understanding needs to be articulated and sustained by all abutters and property owners

- Parking for tenants is not a concern for the police department as the location of the complex is extremely convenient for walking and/or bicycling to downtown and the UNH campus therefore lessening the need for on-site tenant parking.
- Outside lighting should be ample for public safety yet not invasive to the surrounding area.
- It is imperative that the applicant understand that there is no overnight parking for any potential apartment renters on any adjacent streets or property owned and/or controlled by the Town of Durham. The fact that there is little or no parking on site should be well-articulated in any lease agreements with tenants. While the Town will not provide parking permits for residential apartment dwellers, there is the opportunity to purchase annual business permits for those associated with the commercial enterprises located in the area. This will enable employees to park at several satellite locations reserving the closest parking for customers.
- Any construction and/or delivery that will result in the closure and/or blockage of the traffic lanes on Madbury Road must be approved with ample notice to the Durham Police Department who will be the sole determination as the traffic control required.
- Any construction and/or delivery that will result in the closure and/or blockage of Mathes Terrace must be accomplished with ample notice to the abutters and the Durham Police Department.
- The Durham Police will not allow any construction/delivery that would cause any road closure during the period of the last week in August through Labor Day weekend that would coincide with UNH "move-in".
- The Durham Police would urge that all apartment numbers be prominently displayed and developed so that police personnel can easily and quickly locate units, i.e. 2A for unit A on the 2<sup>nd</sup> floor and 3C for unit C on the 3<sup>rd</sup> floor. Any such configuration clearly delineating floors is imperative.
- Video monitoring in any interior common stairwells or hallways or exterior walkways would be helpful for theft prevention, resident safety as well as enhancing the police department's ability to resolve criminal acts.
- Hardware should feature window locks, dead bolts for doors, interior door hinges and well lit interior corridors. All common building entrances should have locks that automatically catch when the door closes.

### **On-site management – Police Services**

The Durham Police has a track record of collaborating and coordinating mutual efforts for the betterment of the community. While the issue surrounding on-site versus no on-site management of student rentals is not simplistic, the Durham Police experience has demonstrated very positive attributes of a well-managed property when the owners/managers remain with the property and are engaged with the community! The Durham Police have long maintained that management must equate to more than simply retrieving the rental checks at the end of each month. It is critical that they be involved with the building complex, community and desirous of being responsive to the surrounding neighborhood. The management company that is invested, literally and

figuratively into the Durham community, is the most critical component for a well-managed and mutually successful property from a police perspective.

I used the verbiage “mutually successful” in that whoever the principal is for this property, they must be desirous of having a positive profit stream while the Durham community enjoys a solid tax base with minimal dependency upon limited Town and School District resources. However, it is my opinion and aspiration that a complex of this nature, located in the appropriate location, as this complex is, would assist in providing student housing away from the historically residential neighborhoods where the lifestyles of students and residents most often collide. When this collision occurs, there is increased demand for police presence and demand for stern action by the police. Hence, I enthusiastically endorse the concept of a well-designed and situated student housing complex in appropriate locations. That said, it would be an error to believe that the addition of a complex of this size and composition, even when professionally managed, will have no impact upon policing services in Durham. It should be noted that in addition to calls for service, the Durham Police has developed and implemented a program in partnership with the Durham Landlord Association that notifies landlords via email after each incident that police are required to respond to their property. Each quarter, every landlord receives a correlated analysis of ALL calls to any rental property in Durham for that three-month period. This allows the landlord to compare activity, or non-activity of their property to other during the same timeframe. As successful and proactive as this program is, it still involves a department employee to complete the reports, correlate the data and send notifications to the landlords.

The Durham Police support the construction of well managed student apartment dwellings. In addition, this is an appropriate location due to the proximity of other student dwellings, distance away from residential neighborhoods with fewer residents to disturb and in an area of the downtown where late night activity is prevalent. As I have maintained, the Durham Police continually strive to meet the demands of its citizens while remaining fiscally responsible. It is our belief that a sound and well structured and conceived planning process in these matters can not be understated. The end result of this process equates to diminished demands for governmental monitoring by police, fire and code enforcement.