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***Town Planner Recommendations***  
**17 & 21 Madbury Road – “Madbury Commons”**  
**Wednesday, March 13, 2013**

*\*Please note. This document is exactly the same as the document prepared for the February 27 meeting, except for the recommendation immediately below to continue the public hearing and preliminary review to March 27.*

**Design Review for a Site Plan and Conditional Use Application – “Madbury Commons,” 17 & 21 Madbury Road.** Complete redevelopment of multifamily site known as “The Greens” for mixed use project with multifamily housing for 460 +/- residents, office/retail, and parking for 57 to 100 cars. **Golden Goose Properties** c/o Barrett Bilotta (applicant); Rose Lawn Properties c/o Laura Gangwer (owner of 17 Madbury); GP Madbury 17 c/o Barrett Bilotta (owner of 21 Madbury); Michael Sievert PE, MJS Engineering (engineer); TMS Architects (Architect). Tax Map 2, Lots 12-3 & 12-4. Central Business Zoning District.

- I recommend the board hold the public hearing, share comments with the applicant, and continue the public hearing and the preliminary review to March 27. ***Please review Key Points below.***

**\* Key Points**

I think the basic design and architecture is quite good. But there is much work to be done and this will require the Town and applicant working closely together to make a number of necessary changes to the plan.

So far, I have heard both significant enthusiasm for this project, given the desire to redevelop the existing property and I have heard significant concerns about the scale of the project and how it fits with zoning.

This project is submitted as a preliminary (design review) application. There will be a public hearing, probably on March 13. The great value of a preliminary review is it allows for an open dialogue between the applicant and the Planning Board (with public input). The goal is to reach a consensus on the basic design as part of the preliminary review – basic building footprint, basic building mass/envelope, basic building design, basic site design.

The applicant has stated that he does not want to reduce the number of beds significantly. The application states there will be 460 beds +/- 10%. What concerns are there with the number of proposed beds?

It appears that the proposal may not meet the zoning requirement in several areas. The Zoning Administrator will review this. If the building envelope is trimmed back this would likely reduce the number of beds OR the applicant would need one or more variances. The applicant has stated if the building envelope were trimmed back significantly then he would probably not do

the project as this would reduce the number of beds. If one or more variances were needed and these variances would provide for a greater number of beds would the Planning Board have any thoughts about such variances?

Note that I made a fairly comprehensive list of potential issues below. At the preliminary review we should concentrate our discussion on the larger issues. It may be worth giving brief explanations on detail issues (such as lighting or signage) but it is best to spend time on issues that could have a larger impact on the project and design.

A number of the comments below are taken from the discussion at the Technical Review Group meeting on February 19.

### **Process**

There will likely be a public hearing on March 13 still with the preliminary application. The Planning Board can then close the public hearing and/or close the preliminary review. Again, it is preferable that the preliminary review not be closed until there is a consensus on the basic design. The Planning Board may want to continue the preliminary review beyond March 13.

Depending on the comments made on February 27 and March 13 it may be useful for the applicant to submit a revised drawing still at the preliminary stage, and bring this back for review on March 27.

Once the preliminary review is closed then the applicant works on the formal engineered drawings and brings back the application when he is ready.

The applicant is working with a very tight timeframe. He says that he wants to break ground June 2013. There is about a 13 month construction schedule and he would need to do that in order to be ready for the September 2014 semester. He says if he cannot obtain an approval in time to break ground in June he would probably not pursue the project.

This is challenging. There are significant issues to address (scale, architecture, site issues, potential variances, a likely conditional use) and a complex project with a tight timeframe.

### **Apartments and beds**

The applicant expects students from the business school to live there.

15% of the units/beds will be earmarked for graduate students (This cannot be a requirement but the applicant said they expect to do this).

The applicant said all units will have 4 or fewer beds. 4 bedroom units would be about 1,200 square feet with 4 beds, 2 baths, and inside washer/dryer.

We will want to confirm the exact number of beds and bedrooms (assuming 1 bed per bedroom).

Due to the unusual plan of the building there can be some atypical units to add interest and variety.

There will be 2 or 3 elevators.

All units will probably be handicap accessible.

We would like to see units should be designed so that they can be repurposed in the future for users other than college students.

The applicant says that their design is flexible. They could take a wall down and change around the units.

We would like to see units with fewer beds so it might be worth having more units with fewer beds on average.

460 +/- 10% beds is proposed.

The parameters that regulate the number of beds are:

- a) density of dwelling units, 1 per 900 square feet of lot area
- b) 1 occupant per 200 square feet of habitable area
- c) standards that constrain the size of the building envelope – setback, building heights, open space areas, wetland buffers, parking, etc.

What concerns are there about the proposed number of beds?

It would make sense to at least use part of the first floor for handicap units, if it is not to be commercial.

### **Zoning**

30 feet of height permitted in the district and up to 50 feet is allowed at discretion of Planning Board

There is not a scale on the architectural elevations so we do not yet know the proposed building height.

The applicant proposes to have commercial uses on the first floor only along the front of the building along Madbury Road. They propose having no commercial there, though the ordinance requires that the entire first floor be commercial. I agree with the applicant that commercial on the interior courtyard of the building would likely not be viable. A variance would likely be needed to accomplish that. The applicant has argued that he is grandfathered for the first floor of the existing Greens being residential. The Zoning Administrator will review this issue. If indeed a variance would be needed the question arises whether it is appropriate to grant a variance from commercial uses on the first floor if it will result in accommodating more residential beds.

The present design proposes a third floor with upper loft spaces, thus an open plan with two levels. This is seen in the elevation drawing with the dormers at the third and fourth levels. The Zoning Administrator will review this issue. It is possible that the applicant would need a variance to do this.

There is a 25 foot shoreland protection setback from Pettee Brook. There would likely be some improvements within the setback so a conditional use would likely be needed.

There is a 75 foot wetland setback from Pettee Brook. A portion of the existing Greens building is situated within the setback. A portion of the proposed building would also be situated within the setback but this area falls completely within the footprint of the existing Greens building.

The Zoning Administrator will review this issue. It is possible that the applicant would need a variance to do this.

The Zoning Administrator will need to classify the project under the Table of Uses – “mixed use with residential (office/retail down, multiunit residential up)” and/or another classification.

### **Commercial uses**

The applicant does not think there is a strong market for commercial but says he will need to support it on the first floor along Madbury Road. He might need to subsidize the rents.

Can other nonresidential uses be established on the first floor inside the courtyard? Gym facilities, a laundry?

We would like to see the commercial be less student-centric.

The applicant discussed drawing a high quality restaurant at the southerly corner.

### **Public Safety**

A second access into the site would be very helpful. The applicant will explore this. There is an 8 foot landscaping easement along the boundary of the northerly property, so there might be potential there for access.

The courtyard should be usable and attractive but not an attraction for partying. Benches and sitting areas would be beneficial, fire pits attracting partying would probably not be.

There will be full time security with video surveillance. Somebody will be there 24-7

Is the main arch okay for fire access? It will be about 20 feet high. The Fire Department will examine this.

The rear arch is about 12 feet high. Should this be higher?

There will probably be need to have access to the rear parking for the Fire Department.

The Fire Department will look at the distance of the building from adjacent buildings.

The building will be sprinkled.

Hydrant placement is important.

A concern about safety if have two level lofts for people in the loft was expressed.

### **Engineering/Public Works**

The project should incorporate as much permeable pavement as practical.

Public Works may need model of water service.

Trash collection will be challenging. The applicant should work with the DPW on recycling. Trash needs to be out of sight, smell must be dealt with, access for trucks must be provided. Small containers are better than large containers. A lot of trash will be generated. Frequent pick

up is recommended.

Snow removal will be a challenge. It will need to be removed from site over a certain level.

Water service is on the opposite side of Madbury Road. There is probably an existing 4" stub but that would probably not be sufficient.

Sewer is on the opposite side of the brook.

Handling drainage from the roof is challenging.

The site has natural gas in Madbury Road.

The site slopes in a general southerly direction.

We like raingardens (even the police chief).

### **Traffic and Parking**

Sight distance for vehicles entering/exiting Madbury Road through the arch, with impacts on the sidewalk and parking on Madbury needs to be considered.

The applicant suggested changing parking in front on Madbury Road to diagonal. The road is wide so this might be possible. It would increase capacity there.

Handicap parking spaces.

How many spaces should be provided? 57-100 spaces are proposed. The preliminary plans shows 59 spaces - 26 on the interior + 33 on the exterior of pentagon.

Review the width of the driveway opening -175-118C3 states that it should not exceed 22 feet except where justified.

The project is exempt from parking requirements in CB zone (1 space per resident) provided a one-time parking impact fee is paid - \$750 per space. However, the Planning Board must approve reducing the number of parking from the existing count (how many at the Greens?).

The ordinance speaks of bioretention facilities in the parking lot.

A one way pattern in the middle should be considered.

We would like to see the central space have more the feel of a square or plaza rather than a parking lot. We would like to see use of special paving treatment such as paving stones which would create this special quality.

### **Walking and Biking**

What improvements to the sidewalk on Madbury Road are needed? This should be discussed as part of the project. If significant foot traffic will be occasioned by the project then some upgrades may be appropriate as part of the project.

Is the sidewalk in front wide enough? What is the condition of the sidewalk in front of the project?

People in town could walk through the site.

The Pettee Brook crossing (bridge, lighting, etc.) should be upgraded, perhaps as part of the project.

Interior sidewalks will be 5 feet wide.

Accessible and ample bike racks should be provided, both covered and uncovered.

What is footpath to the right beyond the parking area?

### **Architecture**

The mass/scale seems very large. The building should be set back from Madbury Road. There are no minimum setbacks in the district and there is a maximum front setback of 15 feet. The building should be set back about 15 feet to reduce the scale on Madbury Road. The architectural regulations speak to harmony with surrounding buildings.

The applicant has reviewed the Town's new architectural regulations.

The design is very good but the building should be broken more visually into distinct sections.

At the appropriate time the Town Planner will provide lots of comments on the architecture.

Are these roof decks shown? There should probably not be one in the front of the building.

### **Building and Energy Issues**

Renewable energy is important in Durham. This should be explored.

The applicant is considering use of solar panels, solar thermal, extra insulation.

The Town follows the 2012 Energy Code, Zone 6.

Show breakdown of square footage by floor and how units/beds will break down.

### **Natural Resources**

Pettee Brook has been degraded. Much care is needed during construction and in the design to minimize impacts upon the brook. Best management practices should be followed.

We would like to see the area behind the site cleaned up.

### **Landscaping**

At least 5% of parking and driveway areas must be landscaped.

Add landscaping between the parking/sidewalk and buildings or between parking and sidewalk.

Add greenspace in front of building.

Add trees in front and in the interior courtyard.

Keep the healthy existing trees along Madbury Road if possible.

### **Drawings**

Later on revised drawings will be submitted, either with the formal application or possibly one more iteration at this design review stage.

Show an area plan with lots, building footprints, and streets to clearly show the context.

We will ask for a three dimensional model of the proposed building and surroundings to better understand scale and context.

The 2 lots should be shown.

The drawing of site shows a scale now of 1" = 30' +/-.

We will need a scale on the architectural drawing.

### **Miscellaneous**

The lots will need to be combined.

Signage to be addressed later.

Lighting to be addressed later.

It was suggested that the applicant look at Tim Elliott's prospective project on Pettee Brook Lane. It could impact this project.

The applicant said they are a developer/operator and plan to own and maintain the building for many years.

What is happening with the two existing fraternities on the site?