



TOWN OF DURHAM
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Town Planner's Review
Wednesday, December 8, 2021

- VIII. **Public Hearing - 32 Madbury Road – 6 Unit Addition.** Preliminary Design Review application for new 3-story building with 6 dwelling units at 32 Madbury Road (northeast corner of Garrison Avenue intersection). The existing apartment which is a nonconforming use can be expanded up to 50% by conditional use. AAM Durham Residences, LLC, c/o Anthony Librot, property owner. Mike Sievert, Horizons Engineering, engineer. Market Square Architects, architect. Map 2, Lot 10-3. Professional Office District.
- I recommend that the board provide comments to the applicant and close the design review.

Please note the following:

- 1) **Preliminary application.** Usually the board closes a design review after the public hearing. *The purpose of a preliminary application is to provide an opportunity for the Planning Board and the public to provide comments on the design so that the applicant can incorporate those comments into a formal application to be submitted later.*
- 2) **Expansion of nonconforming use.** Multiresidential is no longer allowed in the Professional Office District other than as a conditional use, adaptive reuse in an existing building (CUA). We checked with the Town Attorney and she determined that this existing use would therefore be considered a nonconforming use. Nonconforming uses may be expanded by up to 50% under Section 175-28 D by conditional use. As part of a formal application, the applicant will submit a response to the eight conditional use criteria.
- 3) **Conditional use.** Section 175-28 D. states: ***Enlargement of a Nonconforming Use.*** A nonconforming use may be expanded only upon the approval and issuance of a conditional use permit. As board members prepare comments about the project, they should review the eight conditional use criteria. Though these were not required to be submitted with the preliminary application, *board members should point out now if they see particular criteria at this point which could be a concern* (any such concerns can also be expressed later, of course).

- 4) Density. The question arose at the prior meeting which aspects of the project the 50% limit applied to. The sense of the board was that it applied only to the square footage of the existing building. Audrey Cline, Code Administrator, and I interpret earlier correspondence from the Town Attorney that the limit also applied to the number of occupants. The applicant is not proposing to expand the number of occupants by more than 50% but if this is a concern I will follow up with the Town Attorney.
- 5) Site walk. The board is holding a site walk on Saturday, December 4, at 1:30 p.m.
- 6) Architecture. The design is subject to the architectural regulations. The applicant modified the design in response to comments that I made about the original proposal. I will continue to work with the applicant as they prepare a formal submission. ***My biggest concern is the scale of the building as experienced from Madbury Road.*** Note that the ground around the building is being raised a fair amount from Madbury Road as well. *Under the architectural regulations and the conditional use provisions it is important to ensure the scale is appropriate.* Otherwise, the new building will have a significantly negative impact upon the streetscape of Madbury Road. It will help to consider this at the site walk.
- 7) Stormwater and utilities. The applicant will work with Public Works on these items. Water and sewer is available at the property. A large drainage basin is shown at the corner of the property. We talked at the TRG meeting about pushing it back from the corner as much as possible.
- 8) Occupancy. The existing building has 12 dwelling units and 34 beds (with 34 occupants). The proposed new building would add 6 units and 17 beds for a total of 51 occupants. The proposed new building would have five 3-bedroom units and one 2-bedroom unit.
- 9) Parking. The regulations require two spaces per dwelling unit. There will be 18 units total so 36 spaces is required. 41 spaces are shown. It is desirable to reduce the size of the parking lot as much as possible. One more accessible space is needed.
- 10) Sidewalk. The path to the front door will need to be tied into any changes to the existing sidewalk to be made as part of the Madbury Road improvements project.
- 11) Landscaping. A landscaping plan will be submitted later. It will be important to buffer the parking lot from the road as much as possible.