



TOWN OF DURHAM
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Town Planner's Review
Wednesday, October 14, 2020

- VIII. **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 discuss the application and schedule a site walk and public hearing.

Please note the following:

- 1) Preliminary application. This is a preliminary design review application. The board does not need to accept the application as complete. We do need to schedule a public hearing and I suggest the board hold a site walk.
- 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. Many may not be aware that the ordinance allows for this kind of expansion – as I don't believe we have gotten this kind of request before – but it does. As part of a formal application, the applicant will submit a response to the eight conditional use criteria.
- 3) Ordinance. 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, within the confines of the lot or parcel of land upon which it was located at the time of the adoption or amendment of these regulations; provided, however, that the land area and/or size of the building or the structure being used for said nonconforming use at the time of the adoption or amendment of these regulations is not increased by more than fifty (50) percent.
- 4) Technical Review Group. The TRG reviewed the project on November 2. I will send notes of the meeting shortly.
- 5) Site walk. I suggest the board hold a site walk to get a better understanding of the project in order to provide more guidance to the applicant.

- 6) Public safety. The Fire Department did not have any concerns at this point. The Police Department did not have any concerns at this point other than a recommendation to include outdoor lighting. The existing building is sprinkled and the new one will be as well.
- 7) Architecture. The design is subject to the architectural regulations. The building should echo the existing structure but also be differentiated from it. The preliminary design should be simplified. It has too many intersecting forms and possibly too many materials. The roof should be a straight gable to simply the building, echo the existing building, and reduce the mass as experienced from Madbury Road. The regulations state that mansard roofs are not appropriate.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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.
- 12) Landscaping. A landscaping plan will be submitted later. It will be important to buffer the parking lot from the road as much as possible.
- 13) Habitable area. According to the Town Attorney the old requirement for 200 square feet per occupant applies. They currently have around 319 square feet per occupant. The current requirement would be 400 square feet per occupant.
- 14) Other issues. The applicant will determine if lighting is needed with the formal application. The engineer said there is plenty of room on site for snow storage. The current address is 32 Madbury Road. Presumably that address will remain and the new building be addressed as 30 or 34 Madbury Road. The regulations require that any above ground electric lines be buried unless a waiver is granted. A separate existing conditions sheet will be prepared with the formal application.