

March 17, 2025

Town of Durham
Planning Board
15 Newmarket Road
Durham, NH 03824

Re: Letter of intent for conditional use application for 9 Madbury Road, LLC Tax Map 106 Lot 39.

Dear Chair and Board Members,

Please find enclosed the application the following information for a conditional use application.

1. Application, fee and supporting documentation.
2. Floor plans.

The purpose of this project is to convert the 4th floor of the existing building at 9 Madbury Road from commercial use to residential use. When the building was originally developed, the first and fourth floors were required to have commercial uses on these floors. Currently under the Durham Zoning regulations Section 175-42.B.7.C, residential use is now permitted on the fourth floor as long as the first-floor use is office/retail. The entire first floor meets this requirement. Based on Article XII.1 Use and Dimensional Standards, Section 175-53 Table of Land Uses, Mixed use with residential (office/retail down, multi-unit residential up) a conditional use application is required.

The proposal is to convert the existing office spaces into 5 residential units. No changes to the interior common spaces are proposed and no changes to the exterior of the building or site are proposed. A building permit application has been submitted, and the permit has been approved pending the approval of the conditional use application.

The letter of intent above, together with the following information, outlines the justification of how this project complies with the provisions of the general conditions for a Conditional Use Permit contained within Article VII, Section 175-23.C of the Town of Durham Zoning Ordinance. The numbering below coincides with the applicable section.

175-23.C

1. *Site Suitability: The site is suitable for the proposed use. This includes:*

RESPONSE:

The property is suitable for the proposed conversion because the use currently exists on the site and the use is allowed. The change of use is allowed with conditional use approval.

(a) Adequate vehicular and pedestrian access for the intended use.

RESPONSE:

There is adequate vehicular access from Madbury Road, and no changes are proposed. There is currently adequate pedestrian access from the existing public sidewalks.

(b) The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools and other municipal services.

RESPONSE:

Adequate emergency services are currently provided from Madbury Road. The site is serviced by municipal water, sewer, and natural gas. The schools will not be impacted by this development; solid waste will be handled onsite with no proposed changes for this conversion, and the owner has an existing waste management program in place.

(c) The absence of environmental constraints (floodplains, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.

RESPONSE:

There is no change to the property. The original development proposal incorporated a balanced environmental design approach by incorporating a stormwater system that met LID standards and provided collection, filtration, infiltration, and detention meeting local and state regulations as required.

(d) The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities.

RESPONSE:

This conversion from commercial to residential will not negatively impact the availability of appropriate utilities.

2. *External Impacts:*

The external impacts of the proposed use on the abutting properties and the neighborhood will be no greater than the impacts of adjacent existing uses or other

uses permitted in the zone. This shall include but not be limited to traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.

RESPONSE:

The proposed building will not cause an adverse impact to abutting properties to a greater extent than any other existing uses in the neighborhood. This property has been used for mixed use office/retail with student housing since 2012. This conversion will not produce any additional odors, noise, vibrations, or fumes that do not currently exist in the neighborhood. Vehicle traffic exists there today and will not be significantly increased by this change of use. There will be no other increases in external impacts.

The location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use will have no adverse effect on the surrounding environment and will not discourage the appropriate and orderly development and use of the land and buildings in the neighborhood because:

RESPONSE:

There is no change to the exterior of the structure or any site appurtenances.

3. *Character of the site development:*

The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include but not be limited to, the relationship of the building to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.

RESPONSE:

There is no change to the site character. This prong was previously met with the original development.

4. *Character of the buildings and structures:*

The design of any new buildings or structures and the modifications of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural

treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.

RESPONSE:

No changes to the character of the building. This prong was previously met with the original development.

5. *Preservation of natural, cultural, historic, and scenic resources:*

The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sires, scenic views, and viewsheds.

RESPONSE:

This is not applicable to this change of use as it is all interior.

6. *Impact on property values:*

The proposed development will not cause or contribute to a significant decline in property values of adjacent properties.

RESPONSE:

There will be no negative impact to values of adjacent properties.

7. *Availability of Public Services and Facilities:*

Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. In addition, it must be determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection and schools.

RESPONSE:

The property and uses have existed since 2012. There are adequate public services available for this conversion.

8. *Fiscal impacts:*

The proposed use will not have a negative fiscal impact on the Town unless the planning board determines that there are other positive community impacts that offset the negative fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the fiscal impact of the project on the town. The

Planning board may commission, at the applicant's expense, an independent analysis of the fiscal impact of the project on the town.

RESPONSE:

There will be no negative fiscal impact to the Town.

If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Mathew Crape". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mathew Crape
603-868-9898