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***Town Planner's Recommendation***  
**Wednesday, November 6, 2013**

- X. ***Public Hearing*** (continued) - **15 Madbury Road and 8 Mathes Terrace**. Design review for site plan for redevelopment of two lots for a three-story **mixed-use student housing development**. Submitted by **Kostis Enterprises LLC and Theodore Finnegan**; David Garvey, agent; Michael Sievert, MJS Engineering, engineer; Robin Wunderlich, designer. Tax Map 2, Lots 12-5 and 12-6. Central Business Zoning District.
- I recommend that the design review be closed and the Planning Board provide guidance to the applicant. I believe that it would be very difficult to develop an approvable project without substantially reducing the size of the building (See issues below).

*I repeat my comments from my September 25, 2013 recommendation with a few updates shown in italics.*

My sense, at this point, is that the project as presently proposed faces numerous significant hurdles under site plan review. I would be remiss in my responsibilities if I did not raise this concern now, at the preliminary stage, before the applicant invests a good deal of money engineering a formal plan. The applicant could address these challenges most effectively if the project were to be substantially reduced in its footprint, scale, and size. The challenges at present include the following:

- 1) Most significantly, Mathes Terrace is a private way. This presents numerous challenges. *We discussed possibly making Mathes Terrace a Town road at the TRG meeting on October 29. If this were feasible, some issues would be mitigated.*
- 2) How would maintenance of Mathes Terrace be handled now with one sizable development and three small properties?
- 3) How would the applicant prevent residents and visitors to the site from parking improperly on abutters' lots? *The Town cannot enforce parking on a private way. The updated design of November 1 with a parking garage for 9 or 10 vehicles would certainly help with this situation. However, that design is counter to the requirement in the Architectural Regulations that garage doors be unobtrusive and placed on sides not facing the street. If the building were downsized then there could be open parking next to the building or the entrance to the garage could be from the side/rear of the building, being less obtrusive to Mathes Terrace. Plus, the garage opening as now shown is incompatible with the "residential style" of the building as now proposed.*
- 4) Some significant amount of parking might be needed on site. I believe that the Planning Board could require this for good cause: the Zoning Ordinance sets minimum requirements separate from what may be stipulated under Site Plan review. At a minimum, the Planning Board could require "the existing number of required parking

spaces” to remain per Subsection 175-112 A. 2. of the Zoning Ordinance. There are six or more spaces and a garage and driveway now on site.

- 5) There does not appear to be any space for parking on Mathes Terrace in front of the building. There is no direct existing pedestrian link to the Town’s Pettee Brook parking lot. The bridge at the end of Mathes Terrace is owned by an abutter.
- 6) Could fire access be provided in a reasonable manner given the size and private character of Mathes Terrace?
- 7) The one-year construction process could have significant adverse impacts upon the businesses on Mathes Terrace. Given the tight site it would be difficult to manage construction so that it does not impact Mathes Terrace, especially since it is a private road with limited jurisdiction for the Police Department. In particular, Dr. Jason Lenk testified that he sees many patients, one after another, for short appointments. Delays in obtaining access to his office, whether for patients arriving on foot or by car, would be problematic. He stated that the easy movement along the “driveway is the lifeblood of his practice.” *At the TRG meeting on October 29 it was stated that the construction process for 9 Madbury Road and 10 Pettee Brook Lane was very difficult and did not work well. While it is always possible that solutions might be designed for problems, there is never a guarantee that they will ultimately work in practice. The larger the building here the more likely there will be unavoidable problems and significant disruption to the businesses. If there were to be problems, then parties other than the applicant are harmed the most.*
- 8) At present, Mathes Terrace has a low key atmosphere that is conducive to the operation of small businesses. What impacts would result from a 70-bed student development immediately adjacent to those businesses? *While residential use is an allowed use, it is expected that a student housing development of this scale would be significantly incompatible with the existing character of, and uses on, Mathes Terrace.*
- 9) The scale of the project appears to be greatly inconsistent with the scale of the existing five (remaining three) foursquare houses. There are numerous references in the Town’s Architectural Regulations (that are part of the Site Plan Regulations) speaking to the importance of a proposed building having the proper scale and being harmonious with the prevailing neighboring character. While the size of the adjacent Madbury Commons project, for example, is significantly larger than the subject project, the setting for Madbury Commons is entirely different.
- 10) The maximum height in the Central Business District is 30 feet. At the discretion of the Planning Board the height may be increased up to 50 feet.
- 11) I understand that the soils here are clayey and poorly drained. This could make it difficult to create healthy, pleasant basement units. Note that a basement level is considered to be a “story” if the front wall rises at least 50% above finished grade, and that the Central Business District permits only three stories (unless the fourth is nonresidential). *Are basement units still proposed in the November 1 drawings?*
- 12) The existing sewer line crosses the lot of another property owner.
- 13) There appears to be minimal space on the lot for landscaping, tree planting, and tree preservation.
- 14) There appears to be little or no appropriate area on the lot to treat, store, or detain stormwater.

- 15) There does not appear to be a convenient and unobtrusive place for deliveries.
- 16) There does not appear to be room outside for a dumpster and recycling facility. *This is shown on the updated plans. I believe that a variance would be needed to encroach into the wetland buffer.*
- 17) There would be little room for snow storage on site.
- 18) *It would be a real loss for the two existing four square houses to be demolished. The Planning Board asked me if this issue would be sufficient grounds to prevent a development. It would not since the site is not in a historic district. However, in combination with other compelling concerns, it should be considered.*
- 19) *Additional traffic on this highly constrained road would be generated.*