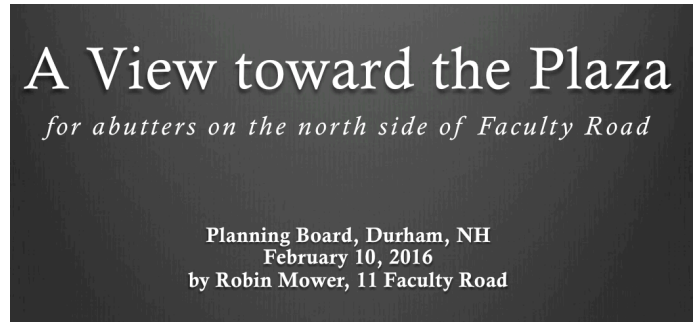


February 10, 2016

*Note: This text has been slightly revised to coordinate better with slides shown during the public hearing (seen in "A View toward the Plaza"); a PDF derived from that PowerPoint file is too large to share.*



Planning Board  
8 Newmarket Road  
Durham, NH 03824

**RE: Public Hearing Mill Plaza Redevelopment – 7 Mill Road. Design Review.**

Dear Members of the Planning Board:

Tonight opens the public hearing for what is undoubtedly going to be a long process. Given the proposed project's location, size, and potential impact on the community I sincerely hope that the Board will continue the hearing for several meetings. I am among those who will not be able to attend them all, even as I wish to bring numerous concerns to your attention and make recommendations for improvement.

Tonight I will focus on what it means to be a residential abutter on the north edge of Faculty Road, showing you photographs to illustrate a few points.

People appear to be mentally moving pieces around as if this potential redevelopment site were in a bubble, isolated from its surroundings. It is not. Lives will be affected, including my own, as a direct abutter. My home is at a similar elevation to Main Street and sits opposite Domino's Pizza, which is open until 2 and 3 in the morning—well after the bars close, as I very well know from the conversations of its patrons that carry across the asphalt and the glare of its lights that shine through the trees to our windows on Faculty Road.

How well do you know what it means to live in the Plaza's abutting residential neighborhood?

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**Robin Mower • 11 Faculty Road • Durham, NH 03824 • 603-868-2716 •  
rmower@aya.yale.edu**

Over the decades, residents along Faculty Road toward the east of me as well as residents of Chesley Drive have urged protection of the deciduous wooded path near them. I know, because my mother helped lead the charge. But at least these residents enjoy the buffer of woods, thin as they are for the six leaf-less months of the year.

As you can see from the photograph taken this morning from my own house, a couple of us on the north side toward the center and west of Faculty Road have no such wooded buffer. We do what we can to block the view, but topography severely limits the efficacy of any effort. No tree we plant can grow tall enough to screen our properties. That is what the landscaping for the development was required to do decades ago.

Instead, we are highly exposed because—and this is documented in the Town's files—*both the property owner and the Town continuously failed to meet their obligations.*

The Town's Tree warden wrote to the Board of Selectmen about the failure of the property owner's plan in a brief but impassioned letter dated March 4, 1975:

[March 4, 1975 letter from the Town's Tree Warden (Doug Routley), to the Selectmen regarding the inadequacy of landscaping at the Plaza; HIGHLIGHTED ON SLIDE: *\*However, the whole landscaping of this site is woefully and shockingly inadequate. It grieves me that I was not consulted earlier in the planning stage and that I, and the town, should be forced to accept such a miserable landscaping job. Considering the amount of money spent on the building, that devoted to landscaping is laughable. It is essentially nothing.\* (See separate document.)]*

The property owner's disregard for screening the southern border goes on.

[April 2, 1973 Planning Board minutes; HIGHLIGHTED ON SLIDE: items 5 through 9, which address silting of the College Brook since 1968; landscaping inadequacies; and the absence of required walkways along the southern portion of the Plaza. (See separate document.)]

Just a few years ago, the Plaza owners planted a row of short arborvitae trees along the southern edge of the property. You can see how well the owners have cared even for their own property. (As a reminder, on February 2nd I sent the Board photographs showing how snow removal practices for the site have had a negative effect on the abutting College Brook. Just think: the snow could have been stored in the dozens of parking spaces that we believe have been rented for decades without Planning Board approval.)

## **Fallout**

My home once abutted a farmer's field down which we children sledged as our mothers watched from their kitchen windows. But just two years ago, my home was visited by a drunken student who bushwhacked at night from the Plaza through the woods in search of a party, leaving tracks in the snow up to a neighbor's back door and then to mine, where he dropped a cell phone found the next day by a police officer.

Today those of us who live on Faculty Road and in Brookside Commons suffer from glare emanating from the Plaza's lighting—also documented in Town files. (In 1979, neighbors submitted a petition to the Selectmen to forward to the Zoning Board of Adjustment “for remedy” for the poor lighting.) We put up with the clang of skateboarders, back-up beeping of delivery trucks, blaring radios of returning pizza delivery cars, motorcycles and other loud vehicle noises, typically from young showoffs. Snow removal is apt to mean big trucks with big beepers in the middle of the night.

**It is very likely that this proposal will pit neighbor against neighbor unless you, the Town, and the applicant cooperate fully to find a better solution than any of the three iterations submitted since October 2014.**

So here are a few requests and observations:

1. **Use compass directions** when referring to locations on the site. REAR and BACK may be interpreted differently; east, southeast, etc., leave no room for misunderstanding.
2. Ask the applicant for an **extended site locus plan**, not just the architectural drawings, and to look at aerial photographs as you consider any proposed reconfiguration, even during Design Review (which is your right under the site plan review regulations under Part II, sections 1.2.5 and 1.2.6: “...*information and preliminary plan shall be displayed in sufficient detail to enable the Board to understand the proposed project and identify potential issues*” and “...*If the Board determines that the request does not describe the proposed project in sufficient detail, it may request additional information.*”)
3. Make sure there is **space between buildings** to allow for pedestrian and vehicular circulation of all types, for adequate landscaping, snow removal, and protection and collection of trash. The eastern buildings shown in the proposal before you **do not meet those criteria**.
4. Refer frequently to the Article VII of the zoning ordinance on **Conditional Use Permits**, as you discuss options for this preliminary Design Review. Specifically, note that “*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.*”
5. Request that the applicant return to the drawing table to develop a plan that focuses on the **New Urbanist principles that ensure a walkable, vibrant development**. I and others are likely to address those points in detail at future meetings. We know more today about what makes for a vibrant community than we knew in the 1970s, across the country shopping malls were built that led to the death of downtowns. Let's make sure we put that knowledge to work.
6. Request a report from the Police Department regarding the **impact on Thursday, Friday, and Saturday night activity** as a result of the increased downtown student

housing. Additional student housing a block away from Main Street will also bring visitors and parking challenges. Can Town staffing handle the challenge—and does the community have the capacity to absorb the **likely behavioral fallout**?

7. Please request that the Town Planner and Town Attorney provide you **in writing their rationale for specific judgments and opinions** regarding adherence of any proposal to the zoning or site plan regulations.

Audrey Cline—our new Zoning & Code Enforcement Officer and holder of an Associate of Science degree in Architectural Engineering—noted at the recent Technical Review Group meeting, *“It’s a difficult site, but right now, I’m feeling like it’s run by the engineering, and the engineer needs to support the design, not vice versa.”*

Colonial Durham Associates were savvy in selecting DeStefano Architects to design a redevelopment. The firm enjoys a reputation for its work in Portsmouth’s historic district. We welcomed DeStefano to Durham to contribute to the Orion project. Despite some bumps along the road, the resulting facelift to Church Hill will enhance the community for years to come. However, what we have seen to date does not enhance my confidence that the same will be said about the Mill Plaza.

We have the opportunity to do this right. Consider it your bequest to the community. How do you want your participation in this project to be remembered? I urge you to exercise all due diligence, to refer frequently to the zoning ordinance and applicable site plan regulations, and to advocate for what is best for the community.

In closing, I’d like to ask the Planning Board to say to Colonial Durham Associates what Richard Kelley has occasionally said to previous applicants: “Dazzle me!”

Sincerely yours,

Robin Mower