

June 8, 2016

Planning Board
8 Newmarket Road
Durham, NH 03824

RE: **Public Hearing Mill Plaza Redevelopment – 7 Mill Road.**
Design Review for the conditional use and site plan dated May 18, 2016

Dear Members of the Planning Board:

Since the release of the May 18th Concept Plan, many of us have spent hours figuring out how to respond. I'd like to do so in two parts. The first part is contained in this letter. The second will be a slide presentation in which I can make points visually.

1. Hannaford and DCAT on Demand

First, I would like to ask that the Board request that Colonial Durham Associates **inform Hannaford in writing that the proceedings of the Board are recorded and available for viewing on demand** even at a distance. The web address of DCAT on Demand is certainly known to Colonial Durham, but I will state it for the record <<https://dcat22.viebit.com>>

2. Site walk

Second, I would like to ask that any **site walk for this application extend to locations at Brookside Commons, Chesley Drive, and Faculty Road** to provide abutter and neighborhood perspectives. A site walk in late fall would be appropriate to reveal the impact of the Plaza during the six months of the year when there is no foliage buffer.

3. Behavioral impacts of student behavior must be mitigated by physical means

Abutting neighborhoods appreciate Plaza businesses and services. They want safe foot and bicycle access to the site. However, they are also concerned about what comes out of, or off, the Plaza.

Increase the visual buffer along the brook for multiple reasons—In addition to providing better buffering to the neighborhood for expected reasons, a redevelopment could help to deter the kind of behavior that likely comes only when a community hosts a college.

Twice in the last three years drunk young people have stumbled into my backyard—one coming from the Plaza through the snow to Faculty Road in search of a party and the second a month ago on Cinco de Mayo. The latter was observed by a 12-year-old neighbor, which prompted a call to the police and the dispatch of six emergency vehicles and their staff.

The appeal of a shortcut across the brook can be thwarted by proper site design.

Create noise reduction measures—Young people are heedless of their noise impact. Mopeds sometimes circle a loop from the Plaza through Chesley Drive, Faculty Road, and Mill Road.

After the bars close at 1:00am, groups of young people hang out at the Domino's Pizza and walk through Chesley to student rental houses in the Faculty neighborhood. Music from revelers on Main Street sometimes blasts Faculty Road residents working in their yards. So does the applicant plan to manage these noisome impacts through physical constraints or barriers of some sort?

4. Employ our land use regulations to their full to protect the neighborhood

Zoning ordinance: Conditional Use criteria

The "external impacts" and "character of the site development" Conditional Use criteria should be invoked to their full degree (see sections 175-23 (C) 2 and 3):

Site Plan Review Regulations

In addition, our site plan regulations, via two subsections of Part III, Article 1. General Standards, give the Planning Board authority to augment the Conditional Use criteria of the zoning ordinance:

- 1.1.1 *The standards contained in these regulations apply to all site plans. These standards shall be construed as minimum standards. The Planning Board, at its discretion, may require higher standards in individual cases or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.*
- 1.1.2 *In addition to these standards, the Planning Board may stipulate any appropriate special measures to eliminate or mitigate potential adverse impacts upon abutters, neighbors, or the general public that might result from a proposed project.*

5. Delivery of zoning objectives

Fourth, as most of you know, I served on the Town Council from 2009 to 2015. During that time I voted for amendments to the zoning ordinance related to occupancy in the Central Business District. However the first of these amendments was approved earlier, in 2008.

It acknowledged that student housing is a point of leverage for the town and was intended to use student housing to jumpstart revitalization of our downtown. The amendment was to result in a win-win situation: developers would benefit from the higher rental rates that students would pay, and the community would enjoy new commercial enterprises.

This was to be effected by allowing a combination of commercial and residential uses, restricting the first floor to a commercial use. The intent was clear: It was not to allow parking on the first floor of an otherwise residential building.

6. Question: Is this conceptual plan adequate to move forward?

Do you believe that this May 18th concept plan includes "sufficient detail to enable the Board to understand the proposed project and identify potential issues?"

As you know, the Site Plan Review Regulations authorize the Board to ask for more detail. Comments from members of the Technical Review Group prompted my question.

In addition, I recently reread the minutes of the Board's meeting on May 9, 2012, when Peak Campus Development presented its plan for a conceptual consultation. As some of you may recall, Peak came to the Board with extensive national experience in developing—and managing—student housing, reflected in its professional presentation and fielding of questions at Board meetings.

We do not know whether Colonial Durham Associates will hire professionals of similar stature and experience in these arenas, but I suspect that its own hands-on experience in this realm is limited if not nonexistent. With a project of this scale, that gives one even more reason to press for more information and reassurances.

7. Sewer service capacity

Finally, while the Colonial Durham proposal is only in the preliminary Design Review phase, site constraints must be considered early in the game. I suggest that in particular the issue of **sewer service** be addressed now, i.e., prior to the applicant's return with a revised plan.

Sincerely yours,

[Signed: Robin Mower]