

October 28, 2016

Planning Board  
8 Newmarket Road  
Durham, NH 03824

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

Greetings,

This document consists of the comments I made at the public hearing at your last meeting, October 26; the DCAT recording for my comments starts at 1:35 on the tape.

First, I'd like to make a **general comment** that does apply to this application as well as to others, and that is, in July, when I was attending a Planning Board, I heard a question from one of you asking whether it was reasonable to assume, if there were no people to speak against issues at a public hearing, whether the assumption should be made that people in general were in favor of it. No other member of the Board responded to that, and I would just like to point out that that is not a good assumption, for a variety of reasons. First of all, there are times when people simply cannot show up. It's very obvious: when people have families, there's illness, there are vacations, and so forth. Second, even if one person speaks up, it is reasonable to assume there will be others who will feel the very same way. As a matter of fact, I know that in that particular instance, I had seen a letter that was read by somebody and absolutely agreed with it and thought it would be a waste of the Board's time for me to come up and speak about it, as well. You should also assume that there are many people who are watching DCAT, whether live or on demand. It's surprising there are people who enjoy watching the ZBA for entertainment.

Second, I'd like to suggest that when you do talk about a **site walk** (and I think I've mentioned this before), you come to Faculty Road. As a matter of fact a neighbor and I might be willing to have you come to see what the view is like from inside our houses, particularly when the leaves are down. It does make a difference to look at the site from that perspective. The elevation is equivalent to Main Street, give or take a few feet, so we have a very different perspective than if you're down on the ground in the Plaza itself.

So I have a few very quick points I'm not going to elaborate on, and then I have more.

The so-called **outbuilding along Mill Road**, that little building: I have to say I disagree with the Town Planner about the value of that. If you come up Mill Road towards Main Street, you would have a very different view of downtown, of the center of our town and Memorial Park, if you saw that little building there. It is not as if we have a real city block and you need that anchor to enclose that area. I understand that concept, and, generally, I like that idea, but for this particular site, I don't think it is a good idea.

[See list of points on subsequent pages.]

1. As we probably all realize, we're looking at a **once-in-a-lifetime redevelopment**. The Hannaford/Rite Aid building is nearly 50 years old and certainly will not serve well even into the near future.

From the community's perspective, redevelopment should be done right or not at all. On this pivotal point, I would be much more comfortable acting on the applicant's statement that neither Hannaford nor Rite Aid is interested in moving if I saw it on Hannaford and Rite Aid company letterhead.

2. **Settlement Agreement overview:** The big question is, What does the community get from this proposal? In my opinion, the spirit of the Agreement is to facilitate an attractive and sustainable mixed-use development that benefits both parties to at least some degree of parity.

But the details tell a different story. So far, the applicant seeks the highest amount of residential use and the lowest amount of commercial use. Using figures provided at the October 18th TRG meeting, and I think they are in the Planner's Report as well, added uses, incremental uses, break down to:

residential: 174,000 sq. ft.

commercial: 20,000 sq. ft.

...or nearly nine times as much new residential use as incremental commercial use.

Of course, the applicant is doing his job, but it is your job to push for what is best for the community. So let's look at the specific terminology in the Agreement.

3. Settlement Agreement on **commercial** use:
  - a. Terms: "The Revised Application will provide for a total development of existing and new non-residential commercial space, **exclusive of parking**, totaling **at least 80,000 to 90,000 sq. ft.**"
  - b. Is 80,000 square feet of commercial use really the best the applicant can do?

We tangled with developers of other downtown properties over required commercial space; they argued that it would be too difficult to lease. But our Director of Economic Development confirms that we are currently at 100 percent commercial occupancy and need more commercial space. So planning a few years ago for future expansion has proven to be the right path.

My understanding is that current Plaza businesses occupy approximately 57,000 square feet but that they may want to expand a bit, bringing the total to about 60,000 square feet. So the incremental commercial square footage proposed in this plan, as I said, is only 20,000. For comparison, today's Hannaford footprint is about 17,000 square feet.

As those of us who have worked on and/or followed Durham's development over the past ten years are keenly aware, we have precious little acreage zoned—and available—for commercial development or redevelopment. Why should this huge parcel not host **90,000 square feet of commercial use** rather than 80,000?

So I repeat my argument from a previous public hearing: A key reason that the Town adopted the particular mixed-use zoning it did for the Central Business District was to stimulate expansion of commercial opportunity. Let's not back down on that goal.

4. Settlement Agreement on **residential** use:
  - a. Terms: "The Revised Application will propose construction of **not more than 330 residential beds** for the entirety of the Mill Plaza site, with a density of not less than 300 SF per occupant."
  - b. It is therefore inappropriate for anyone to assume that 330 is the final number. It is the ceiling, not the floor. If the Agreement intended "330," or "at least 330," it would have been worded as such. If fewer than 330 beds makes the redevelopment work better, and by that I mean, from a big-picture planning perspective, then so be it. So I ask everyone to reframe the challenge to ask yourselves, "What could be done if fewer square feet were devoted to this residential use?"

Now I go into a few other items, not related to the Agreement.

5. **Multi-building project:** I'd like to hear the Board continue its February 10th discussion about how it will address this gap in our zoning ordinance.
6. **Neighborhoods and the Conditional Use Criteria:** The zoning ordinance defines "neighborhood," but if you apply the term to this application, you find yourself at sea. The real question is: How is it applicable to parcels that abut different zoning districts with distinctly different primary uses? I urge the Board to address this point as well.
7. Impact of the southern/brook edge design on the Faculty Neighborhood:
  - a. **Noise, operational/mechanical:** Locating buildings closer to the brook than they are now means that we will probably hear more noise from trash management. First, The site plan should allow for square footage in every building for indoor trash storage. Second, I hope that someone will research how well commercial trash compaction next to a residential neighborhood works, particularly relative to noise generation.
  - b. **Noise, behavioral:** This plan includes areas along the College Brook—sitting area, overflow parking pavers—where people can congregate and socialize and not be subject to any management or Town regulations. The attractiveness of this use will be enhanced if food and drink purveyors are allowed to remain open until 2 and 3 A.M., as they now are. Voices will carry. For some of us,

there is no buffer to block the sound of revelers in those areas from traveling to our bedroom windows. I hope you will reject those ideas.

- c. **Litter:** With hundreds of new young residents and their guests, many of whom are likely to be gathering on Thursday, Friday, and Saturday nights, how are we to avoid increased amounts of litter? Those of you who only see the Plaza from car windows as you drive through don't realize how much litter already accumulates along and in the brook, particularly during the UNH academic year. I think we might also anticipate shopping carts and other foreign objects in the brook, as we have seen in the Pettee Brook.
  - d. **Parking:** If no parking is allowed for residents and their guests, it will only be a matter of time before their cars end up on nearby streets—such as Glassford Lane, Garden Lane, and Faculty Road—while their owners go play downtown; and then when they return after the bars close, we neighbors can be awakened by loud chatter and slamming car doors.
8. **Onsite circulation:** I believe Ms. Innes has talked about spending some time observing these, but I wonder if she has caught everything that needs to be caught, visually?
- a. Does this plan allow adequate space for deliveries and loading, for queued multiple trucks, at all sites where the need is likely—not just for Hannaford and Rite Aid? For example, I've been told that Domino's Pizza has daily deliveries from 18-wheelers. We don't know—I don't know—whether Domino's will retain a business operation there, but that's something to consider.
  - b. Is there room on the east-west strip of the parking lot that runs between the two center buildings, parallel to Main Street, for two-way traffic plus sidewalks and landscaping? I also have to wonder about the current loading area for Rite Aid and Hannaford: is there room for two 18-wheelers to pass each other, because that is what happens when I am observing.
  - c. I can't see how this plan allows for safe pedestrian and bicyclist movement through the site, given the uses I have observed over the years. In addition, the layout of parking for Hannaford and Rite Aid provides no improvement for pedestrians entering the Plaza from Mill Road at the southern access if they are headed toward either of the other two buildings. We know human nature is to seek shortcuts, so couldn't we try to provide a safe one? In a college town perhaps more than anywhere else, trying to force pedestrian behavior simply doesn't work. That's why one sees jaywalking and goat paths. And then there's skateboarding... With much more activity on this site, we are bound to see clashes of behavior if not actual injurious collisions.
9. **Landscaping:** We have learned from sad experience that landscaping tends to be added as an afterthought. In the case of Madbury Commons, newly planted large trees were pruned heavily next to the buildings immediately after planting because the selection of species was inappropriate for the specific site. So, site plans must allow space for trees at full maturity, both for aesthetic reasons and, particularly in a space like this, which has a huge amount of asphalt and resulting heat sinks, to provide

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cooling. I urge the applicant to plan deliberately for landscaping as a social, environmental, and economic asset.

10. **Scale model:** This is a large project. If and when a formal application is submitted, it would be good to have at that time a 3-D physical scale model of the proposed site plan (elevations?), showing both people onsite and the surrounding buildings (along Church Hill, for example) to allow the community to visualize what might be developed—and to confirm that the buildings adhere to the architectural standards portion of the site plan.

Two other quick points:

11. I appreciate having the context aerial view, as was presented by the Harriman team, but what I was hoping to see was something not quite drawn back that far, but something that would show the **site plan with the immediate vicinity**, and both residential, UNH, and Main Street buildings shown, so perhaps that could be included in the formal submission. That would be very helpful.
12. Finally, I'd just like to say relative to the **leased parking**, that the Town Assessor is now assessing for **97 spaces**.

Sincerely yours,

*[Signed: Robin Mower, direct abutter]*