

December 14, 2016

Planning Board
8 Newmarket Road
Durham, NH 03824

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

Greetings,

Over the 26 months that this application has been under Design Review, you've heard numerous concerns from residents. The overall concern is that the applicant is attempting to cram too much onto the site and that the primary intended uses—intense multiunit housing combined with a sea of parking for the existing Hannaford and Rite Aid businesses—do not contribute incremental services valued by the community and have the potential to be detrimental to the community's well-being.

As you know, I share those concerns.

But tonight I want to talk about five other concerns, at least one of which I believe has not been discussed in public.

1. Premature illustrations

First, in this most recent plan, we are presented with some pretty illustrations that should be disregarded. Harriman has taken on a difficult challenge, as others have acknowledged, and tried to help us visualize how they see a reasonable solution. But I believe these are not relevant at this point in the process, may obscure other issues, and in fact may not represent what will be provided by the architect of record—DeStefano Architects, nor what would in the end be built. I refer to both structures and landscaping.

2. Missing information

My second concern is that we are missing information that, even at this conceptual design phase, should inform a decision whether to move on to the next step. Some of those items have been listed in emails forwarded to you by the Town Planner.

Another missing item is a reference point for the heights of the proposed buildings and, perhaps more important, how they would fit in the context of buildings along Main Street and Church Hill, including the recently built Grange and Orion buildings that the Historic District Commission so beautifully guided into being.

You may remember that one of the Orion buildings was built taller than it should have been relative to an adjacent historic structure, at least in part because the Planning Board did not have to-scale information at the appropriate time.

So I am formally asking that the Board request that the applicant provide a to-scale drawing that clearly shows the surrounding buildings labeled with their heights.

3. Site Plan Regulations: Architectural Design Standards on height and mass

Third: To date little mention has been made about how the proposal would fit with the site Plan Regulations. Height and mass are just one example where we have focused on the zoning ordinance but not referenced the Architectural Design Standards.

We should always pay particular attention to the transition along a site's boundaries with its adjoining zoning districts. In this case, that means between the Plaza and Residence A and between the Plaza and Church Hill, a key element of our physical cultural and historical heritage.

The Plaza lies in the Central Business District, but this plan proposes to place a building on the site quite a bit nearer to Church Hill than exists today. The Architectural Design Standards comment on the general character of buildings on Church Hill, stating:

New development shall be designed to resemble a single-family house...rather than an apartment block.

What does this proposal before you do? It would place a massive apartment block-size building right next to Church Hill.

Additional arguments that address concerns about the proposed buildings may be found in Section J of the Architectural Design Standards—which, remember, cover all downtown districts. This section covers Scale and Massing. It states:

- 1) *Human scale. Buildings shall above all possess a human scale, both in terms of their overall size and in their details and materials, in order to promote a sense of pedestrian friendliness.*
- 4) *Smaller masses. Especially large structures shall be broken into smaller masses, or even made to appear to be separate buildings, in order to provide human scale, variation, and depth. These smaller masses shall have a strong relationship to one another and each smaller mass shall have integrity of form (see the Portsmouth building under Appropriate, immediately below).*

4. Excavation of Church Hill and removal of mature trees

- a. *Criteria Required for Consideration of a Conditional Use Permit
Section 175-23 (C) 5: Preservation of natural, cultural, historic, and scenic resources*
- b. *Impact on buffer to abutters*
- c. *Impact on stormwater management, flooding to Chesley Drive and College Brook*

The fourth point I want to make tonight is one that may have struck others who participated in the site walk, which shows how important it is to go on a site walk. We all saw the conceptual site plan, but it was only on the site walk and then looking at the site from Faculty Road that the proposal's intent to excavate Church Hill sunk in.

I believe that would this would violate the Conditional Use criterion to preserve natural, cultural, historic, and scenic resources. It would also present a challenge for managing the stormwater that is now largely handled by the mature trees, native vegetation, and soils of Church Hill itself. I'll address those points in order.

The Conditional Use criterion states that:

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 sites, scenic views, and viewsheds.

I would propose that among the natural and scenic resources we would wish to preserve is Church Hill itself, as well as its mature trees, which form a visual buffer to Main Street.

Durham's character is very much defined by our topography. Hills, waterbodies such as brooks and streams, and wetlands both limit and add small New England-town character to the town. Durham does not look like "anywhere U.S.A." and certainly not like either a large city or a midwestern town where there may be large expanses of very flat terrain.

Dr. Wallace Bothner, Professor Emeritus of Structural Geology and Tectonics at UNH, confirmed that, while he sees nothing unique about the geological features of Church Hill, it was indeed formed through glacial activity and, in his words, "will continue to contribute to our understanding of the long geologic (over 430 million years) of the Durham and seacoast region of New Hampshire."

Excavating Church Hill would compromise our small New England-town character by significantly altering our topography.

Furthermore, removing the mature trees along Church Hill would alter the visual buffers between the historic district and the commercial Plaza and between the Faculty Road and Chesley Drive homes and Main Street. It would also reduce the environmental services that mature trees provide, including the uptake and filtering of stormwater and passive cooling—which will become more valuable as temperatures rise. This is a point made also by urban forester and Durham resident John Parry.

In fact, it is possible that the impact of excavating Church Hill should be considered from the standpoint of hydrology. Our stormwater management regulations focus on on-site measures. However, offsite impacts should also be considered.

Chesley Drive resident Josh Meyrowitz is an abutter to the Plaza at the southeast corner. In January, he wrote to the Town Planner:

...ever since Dave Garvey took out the rear hillside of the plaza [in 2002]...and replaced it with asphalt and also packed down more of the permeable soil (though then surfaced it with loam and grew some grass, thus making it look pretty but still adding to the flooding), College Brook flooding during heavy rains or snow melts has increased dramatically. I've lost trees along the brook, top soil has washed away, and a corner of the (expensive!) new landscaping in my backyard has disappeared.

Removing mature trees from one site affects abutting sites. According to the U.S. Geological Survey website, single large oak tree can transpire 40,000 gallons per year.

5. College Brook and the Settlement Agreement: "Increased natural buffer"

Finally, I'd like to comment on one of the points made by the Town Planner in his review of the current proposal:

- 21) *Path along brook. ...The Settlement Agreement calls for an increased natural buffer along College Brook, but I believe this refers to the driveway and parking lot, not the footpath.*

I'm afraid that I have to take issue with this observation. Until such time as the applicant clearly lays out its intention, we should not make any assumption about what is proposed for the "increased natural buffer" nor make any attempt to interpret the Settlement Agreement. As Administrator Todd Selig advised, that will be part of a future negotiation between the Planning Board and the applicant. I would add, "presumably with the advice of the Conservation Commission."

Sincerely yours,

[Signed: Robin Mower, direct abutter]