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Town Planner's Review
Wednesday, February 10, 2016

- X. **Public Hearing - Mill Plaza Redevelopment – 7 Mill Road.** Design Review (preliminary application) for a site plan and conditional use for the redevelopment of this 10-acre site. The project involves demolition of rear commercial building, construction of four new buildings and an addition onto the existing Hannaford Building, addition of new commercial space in three buildings on the front/Mill Road side of the project, addition of new residential units on the upper floors of four buildings, garage parking on the first/first and second floor(s) of two buildings in the rear, new parking areas, several open space/seating areas, and other site changes. Colonial Durham Associates, LP, property owner; Joe Persechino, Tighe & Bond, engineer; Lisa DeStefano and Adam Wagner, DeStefano Architects, architect. Central Business District. Map 5, Lot 1-1. Recommended action: Discussion and continuation to February 24. Determine whether to keep public hearing open.
- I recommend hold the public hearing, discuss the various issues, continue to February 24, and decide whether or not to continue the public hearing.

"Create a Village Center with Quality Design

A redeveloped Plaza property should serve as a 'Village Center' that stands as an example for future downtown development and provides residents a "sense of place". By this we mean year-round community space – indoor and outdoor areas where people linger to meet and talk to their friends, shop, and enjoy all of the seasons. The redevelopment should link visually and physically to Main Street, Mill Road and the UNH campus. The architecture should embrace principles of sustainability and green building. This approach holds the greatest potential for community support and the future success of the Plaza."

Mill Plaza Study Committee recommendation

Please note the following:

- 1) **Mill Plaza Study.** The community worked closely with architectural consultants over a year to develop the 2008 Mill Plaza Study. This excellent document can serve as a touchstone for review of the site. The concept designs and summaries from the Mill Plaza Study Report can be viewed here (contained on the Town website under the Mill Plaza project):
http://www.ci.durham.nh.us/sites/default/files/fileattachments/planningandzoning/section_iv.pdf. The questions arise: Which aspects of the Study are most important and most worth trying to incorporate? Which features, though worthy, may not be appropriate for the Town to require or realistic for the applicant to implement?

Process

- 2) Design review. We are now in the Design Review. This is the best period to try to work out the basic plan and essential details. Again, I recommend staying in the Design Review phase for a while, until both the Planning Board and the applicant are largely comfortable with the general plan.
- 3) Public Hearings. The public hearing for the revised plans is being held on February 10. The Planning Board can then determine whether to keep the public hearing open or close it. Either approach is workable. If the board closes the public hearing, then it would be appropriate to set up another public hearing later in the design review phase once a generally acceptable revised plan is submitted. The public could then comment on that revised plan. With the current iteration the Planning Board will start going through the various issues and discussing them with the applicant. If the public hearing remains open then the public could comment on those issues as they are being discussed, though that would take more time than reopening the public hearing later.
- 4) Site walk. A site walk should be scheduled soon.
- 5) Optimal design. Depending on the final design, it is possible that the applicant may need to seek relief from some Town requirements. I recommend that the Planning Board and applicant work toward the best possible design, even if it might involve pursuing some kind of relief.
- 6) Settlement Agreement. The Planning Board can make appropriate changes to the plan without going back to the Town Council. Any significant departure from the terms of the agreement, however, would require approval of the Town Council and the applicant. Once there is a plan that the Planning Board supports we can clarify with the Town Attorney whether any apparent deviations from the Agreement require review and approval by the Town Council.
- 7) Formal application. Per RSA 676:12 VI, a formal application must be filed with the Planning Board within 1 year of when the Design Review closes.
- 8) Outside consultants. We will need to determine which outside consultants are needed: 1) for the site plan review; and 2) to conduct later inspections and help oversee construction. I will send more information on this later, including information about the Building Department's reviews.
- 9) DPW review. Mike Lynch, DPW Director, stated: "Regarding the Public Works bullet (Plan Review), April is more than capable of reviewing the site plans and would want to control that process, the issue is always time and timing. So an appropriate plan would be for the developers to pay a consultant (our choice) to assist April with the review process. Regarding (Inspections), Public Works would inspect all the items you listed below, Utilities, Erosion Control, Pavement, Curbing, Landscaping, Grading/Fill/Compaction, Wetland/Shoreland Buffers, and any disturbance in the Town's Right of Way and would need the same type of consulting services as the plan review process mentioned above."

- 10) Fire Department review. John Powers, Deputy Fire Chief, stated: “Durham Fire would likely require a third-party plan review for all life-safety, sprinkler, and fire alarm plans due to the complexity of the project. We have taken the same approach on similar projects. We will still need to coordinate with each respective trade certain items within these plans that each code leaves up to the AHJ to determine; items such as fire alarm panel locations, etc. We expect to be able to handle inspections internally so long as the project calendar is well planned out. Should we be faced with high volumes of requests for short-notice or after-hours inspections, this may need to be reconsidered. We support pre-construction and weekly construction meetings as a proactive approach of identifying and mitigating potential problems or community impacts before they happen.”
- 11) Earlier plans. There were two earlier iterations submitted as part of this Design Review, included on the website, one identified as “*Proposed site plan*” dated September 12, 2014 and one identified as “*Updated Site Plan 1-8-15*.”

Additional Information Needed

- 12) Existing businesses. Show locations of existing businesses in the two existing buildings.
- 13) Area plan. It would be helpful to show a scaled plan with neighboring lots including building footprints and property owners’ names. This should include at least Brookside Commons, Faculty Road, Chesley Drive, and the Town’s pedestrian way to the Faculty Road/Thompson Lane intersection.
- 14) Existing conditions. Existing conditions are shown in light print on the overall site plan. It would be helpful to have an existing conditions only plan, or a rendering of some kind that makes clear the existing conditions in comparison to the proposed plan. An existing conditions plan from 2008 is included on the website under “Updated Site Plan 1-8-15”.
- 15) Model. Will a three-dimensional model be desired? Robin Mower suggests including “representative human figures as well as topography and abutting structures, e.g., Pauly’s Pockets, the Grange, and Orion properties; the College Brook, Chesley Drive.” It would be helpful to have the items above as part of design review, though a model, if desired, could be submitted as part of the formal review.

Zoning Ordinance

- 16) Zoning Ordinance. The applicant is subject to the zoning ordinance that was in place when they submitted their application (based on the timing of public notices). A few amendments to the ordinance have been made since then but they are not pertinent to this application (such as a change to the MUDOR district) except for two changes that should not have a significant impact on the project (one, a purpose statement about energy and the other an update of the flood zone which the applicant probably must comply with under state and federal rules anyway). Thus, we can use the current zoning ordinance for reviewing the project.
- 17) Residential uses***. Per the Table of Uses, residential uses are allowed in the Central Business District only under the use category “*Mixed Use with residential (office/retail*

down, multiunit residential up)” as a conditional use. Audrey Cline, Building Official/Zoning Administrator, and I have determined that the two rear buildings do not fall into this category and thus are not allowed uses. Building D is proposed to have two stories of parking and two stories of residential. Building E is proposed to have one story of parking and two stories of residential. These buildings do not fall into the use category because parking is not an “office” or “retail” use. This issue will need to be addressed in some manner (See Floor distribution, below).

- 18) Floor distribution. 175-41 Central Business District F. 7. states that the first floor must be nonresidential. There may be two floors of residential above for a maximum of 3 stories. If there is a second nonresidential floor, there may be up to 4 stories. The Town determined several years ago that a parking garage (regardless of who it serves) is considered “nonresidential” for the purpose of this provision. Perhaps the applicant was thinking of this provision (rather than the separate Table of Uses) when proposing parking on the lower floors of Buildings D and E. Note that F. 11. allows for a departure from having the nonresidential use by conditional use. The intent of this recent amendment to the ordinance was to allow for flexibility in allocating nonresidential/commercial uses for larger sites where there are multiple buildings, and where creating nonresidential/commercial space on some buildings may not be practical (such as on the Orion site which allowed a few all-residential buildings by variance). We will consult with the Town Attorney to see whether this provision may be applicable to Mill Plaza in some manner.
- 19) Parking garage. The garage parking is permitted by right, as “structural parking” in the Table of Uses.
- 20) Parking in front. 175-41 Central Business District F. 1. states: “No new parking shall be located on the portion of the lot between the front wall of the principal building and the front property line.” It appears that this provision could prohibit the construction of Building C since the parking area would be in front of the building. If so, then a variance or other relief would be needed. We will clarify this.
- 21) Commercial uses. Most typical downtown commercial uses are permitted in the Central Business district by right, including retail store, restaurant, bank, personal services, and office.
- 22) Drive through facility. A drive through facility is allowed only as an accessory to a financial institution by conditional use.
- 23) Setbacks. There are no minimum or maximum setbacks in this part of the Central Business District.
- 24) Building height. The maximum building height is 30 feet (which generally accommodates a 2-1/2 or 3 story building). With Planning Board approval (at its reasonable discretion as no criteria are provided) the maximum height is 50 feet, which generally accommodates a 4 or 5-story building.
- 25) Impervious surface. 100% impervious surface is allowed in the Central Business District.

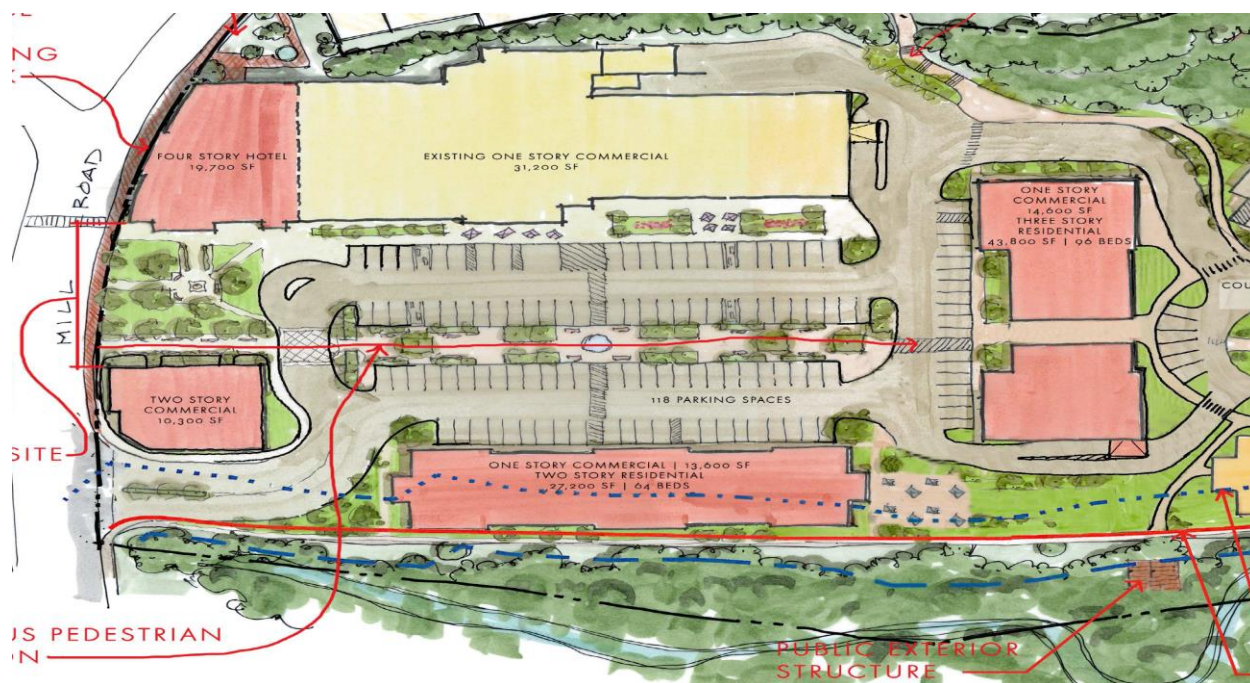
- 26) Habitable area. Based on the Settlement Agreement, the new zoning amendment setting a minimum of 600 square feet of habitable area per resident will not apply. The old standard of 300 square feet will apply.
- 27) Density/residential use. The minimum lot area per dwelling unit is 1,200 square feet. A 10 acre site would allow 363 dwelling units. Of course, far fewer units are proposed to accommodate 330 beds. The limitation of 3 unrelated occupants does not apply in the Central Business District. There is a maximum of 4 bedrooms per dwelling unit in all zones. Basement dwelling units are not permitted.
- 28) Abutting residences. Section 175-76 D. states: “Nonresidential or multiunit structures abutting or within residence districts. No nonresidential or multiunit structures, other than permitted signs, and no parking shall be permitted within seventy (70) feet of a side or rear lot line abutting a residence district or use unless screened as provided in Article XXII. The adjacent Church Hill district is not a “residence district” per the heading in the Table of Uses. The abutting Map 6, Lot 7-59 is a single-family residential use. Map 5, Lot 1-16 is not a residential use as it is currently vacant land. There are two small residential structures on Map 5, Lot 1-15. At any rate, at a minimum, a buffer as prescribed in Article XXII should be established along the entire easterly property line, if not already sufficient.
- 29) Conditional Use. Mixed use residential and commercial buildings are allowed by conditional use. Certain activities are allowed within the 75 foot wetland buffer by conditional use including roads/driveways, footpaths (nature trails/paths are allowed by lesser criteria), nonresidential buildings, and accessory structures. Article VII lays out special provisions regarding conditional uses.
- 30) Variances. At some point, it will need to be determine which, if any, variances may be needed.

Site Plan Regulations

- 31) Applicable Regulations. The Planning Board posted a public notice for a hearing for completely new Site Plan Regulations prior to the notice for the applicant’s design review application. Those provisions in those noticed Site Plan Regulations which were retained in the final adopted version apply to Mill Plaza. I prepared special documents (Parts I, II, and III) for the Mill Plaza showing the applicable provisions. These have been sent to the applicant and the Planning Board and are posted on line.
- 32) Plans review. I have not reviewed the preliminary plan yet for conformance with the Site Plan Regulations. Recognizing that the plan is preliminary and subject to change, I will review it for potential red flags shortly.
- 33) Conformance. The applicant is encouraged to review the Site Plan Regulations in detail, if they have not already done so, to ensure that there will not be obstacles in conforming with the requirements at the formal stage.
- 34) Waivers. We will see later if any waivers will be sought.

General Site Layout

- 35) Earlier plan submittal. This plan below, the prior iteration, was submitted in January 2015. I think this plan is significantly superior to the current plan in that the buildings are better spaced, there is more parking, there is a more appealing entrance to the commercial area, and there is a terrific pedestrian promenade in the middle. The main concern with this plan is whether the curved entrance could accommodate traffic satisfactorily as there could be stacking issues at Mill Road. This design, should be reconsidered. This might place Building C within the wetland buffer (rather than the road) and only nonresidential buildings are allowed there by conditional use.



- 36) Hannaford Building height. Every effort should be made to add at least one story onto the existing Hannaford Building (or better yet to demolish it; see below). The applicant says that they have diligently explored this but the building is too wide to span and they would need to insert columns on the interior of the Hannaford store potentially disrupting the business. Hannaford has utility equipment on the roof. I think that the scale of the project will be adversely impacted with a one-story Hannaford, a two-story addition, and adjacent 4 and 3-story buildings. This may be easier to accomplish if the Hannaford will be undergoing renovations anyway.
- 37) Hannaford relocation location. It would be a real lost opportunity if the existing Hannaford Building were to remain and remain as a 1-story building. Mary Ellen Humphrey raised the idea of Hannaford (and Rite Aid, Bella's, and The Works?) relocating into the new Building B to the south. This would allow for replacement of the old Hannaford Building with a new multistory structure and provide Hannaford with a new space and better visibility for vehicles entering from Main Street. I think this is a very good idea worth exploring. If the Hannaford Building is demolished a new 3 or 4-story building could be erected, and more apartments could be placed there,

away from Faculty Road. Mary Ellen suggested Building B rather than Building C because the rear building to be demolished overlaps with the Building C location causing phasing challenges.

- 38) Hannaford to Building C. Josh Meyrowitz has suggested that Building C, which is parallel to Mill Road, would be a much better location for Hannaford. This would provide excellent visibility for Hannaford and emphasize its presence as the anchor business in the project. It would preclude having a pedestrian walkway through the middle of Building C to the rear of the site (as specified in the Agreement) so that would need to be addressed.
- 39) Phasing for Hannaford to Building C. This would present a challenge with phasing but it is probably workable. Building B (southerly building) could be constructed in Phase 1 to accommodate businesses relocating from the rear building which will be demolished (or at least those businesses located on the northwesterly end of the building). Then the rear building, or at least the northwesterly portion of it (where Federal Savings is located), could be demolished to accommodate construction of Building C. Building C could then be built to accommodate relocation of Hannaford (and other tenants). The Hannaford Building could then be demolished.
- 40) Addition – Building A. There are some distinct disadvantages to the 2-story addition onto the Hannaford Building: the structure would be very close to the sidewalk, possibly giving a looming presence, the existing park there would be eliminated, and open access from Main Street to Mill Plaza would be reduced. A one-story addition would probably fit better. A better solution would be to replace the Hannaford Building with a new 3 or 4-story building retaining the park. Then there could be a series of 3 parks along Mill Road – Bicentennial Park, the existing park next to the Works, and the new park proposed. A new storefront could face Mill Road retaining some open space in front of it.
- 41) Rectilinear layout. For a site oriented around parking lots, the basic design of the front section (which will be used far more by the general public) is fairly effective. It is desirable to enclose and define space in a pleasing manner. The rectilinear layout of the three buildings and the small park is effective. But we want to look at optimal placement, size, configuration, and design of the buildings.
- 42) Building B. One person suggested eliminating Building B. This would accommodate more parking in the commercial area but it would be difficult to make up for the residential and commercial space lost.
- 43) Building D residential. Building D, located at the northeasterly corner of the site seems to be the best place to concentrate the residential. It would seem worthwhile to create as large a building footprint as possible here (notwithstanding that there is ledge in the rear) with as many floors of residential as acceptable. There was discussion at the January 24 Planning Board meeting about seeking a variance to add residential floors here.
- 44) Rear buildings. It would be desirable to create more space between Buildings D and E. Building D should be pushed as far northerly as possible, recognizing there is a slope

and ledge there. There would be an overpowering canyon effect in between Buildings D and E, as presently configured. At least one more row of parking should be added along with some green space between the buildings.

- 45) Building E parking. I suggested looking at putting 3 floors of garage parking in Building E and having all of Building D as housing (this would probably require some relief under zoning). The applicant will look at this but one challenge is that the footprint for the parking in Building E is set up for 1 floor of parking. The larger footprint for parking in Building D more easily allows for a ramp for upper floor access.
- 46) Building on Mill Road. It would be desirable to have an “outbuilding” on Mill Road (along with the addition proposed for the Hannaford Building). A building was shown here in the prior plan (January 2015). The Mill Plaza report states: “...we recommend that the development “wrap” business uses/buildings around from Main Street to Mill Road to increase retail along these two major roads, better connect Main Street and Mill Road, increase pedestrian traffic, and provide a visual buffer between Mill Road the site.” Sean McCauley has stated strongly that they do not want to do this due to the need for visibility of the plaza. I would suggest exploring adding a small building there that would not obscure visibility.

Traffic

- 47) Traffic model. The Town and UNH jointly developed a traffic model in 2008 that is operated by our consultant, Resource Systems Group (RSG) of White River Junction, Vermont. RSG can perform analyses of impacts of proposed projects. The model covers peak morning traffic only. It would be appropriate to run the model for this proposed development and to consider having the applicant pay to create an afternoon/evening model so that could be run for the project. When would be a good time to run the model? What particular additional inputs would we want? I sent the report about the model and Town-UNH Agreement to the Planning Board. These documents can be viewed on the website under Planning Department – Other Planning Information – Transportation. The Traffic Safety Committee discussed this issue last year and recommends that the model be used to evaluate the traffic impacts of the project, including the development of a p.m. model, and possibly development of a mid-day model.
- 48) Traffic study. We will determine later if any additional/supplemental traffic study is needed.
- 49) Traffic improvements. We will need to determine if any off-site improvements are needed, such as along Mill Road and at nearby intersections. The model/study should determine if warrants are met for a traffic light at the entrance.
- 50) UNH – hotel project. The Town and UNH have been in discussions about the redevelopment of the 66 Main Street site and a potential hotel locating on UNH property where Hetzel and Alexander Halls are located (rehabilitating Hetzel Hall). This project is still in the discussion stages with a prospective developer. We should coordinate as best we can potential impacts and improvements for the Mill Plaza and

this project. I will suggest that the design engineer talk with Steve Pesci, UNH Transportation Planner for ideas. Unfortunately, it looks like it would be difficult to locate the main entrance for the hotel/C lot opposite the entrance to Mill Plaza. The current entrance for C lot is located at the far southern end of the parking lot, some distance from the entrance to Mill Plaza.

- 51) Transit. Steve Pesci, UNH Transportation Planner, said that UNH has no plans that would suggest an immediate need, but he suggested considering inclusion of a transit pullout/shelter on Mill Road just north of the current plaza entrance. He said this could be useful for future transit route flexibility.
- 52) Chesley Drive. The applicant does **not** propose connecting to Chesley Drive. Many members of the community, on numerous occasions, have stated strong opposition to connecting Chesley Drive to Mill Plaza for vehicular use. The Mill Plaza report states: "After independently studying the idea, the design teams recommended against opening Chesley Drive to vehicles for several reasons, among them: 1) it would negatively impact a natural, pleasant feature of the current site; 2) it would pose numerous additional traffic challenges including increased traffic not only on Chesley Drive, but on the roads that lead into it; 3) it might adversely affect College Brook; 4) it would likely require property takings and other difficult actions; and, 5) a second vehicular access at Main Street presents a better design alternative." Connection at Main Street is no longer viable due to subsequent development on Main Street.

Vehicular Circulation (on site)

- 53) Truck traffic. We should see templates for truck traffic into and through the site. The Fire Department's preliminary review showed the plan seems workable, but more information will be needed later.
- 54) Road in buffer. Under the Zoning Ordinance, for College Brook, the wetland buffer is 75 feet wide and the shoreland buffer is 25 feet wide. The existing pavement is located well within the wetland buffer for the entire length of the site. Much of it also appears to be located within the narrower shoreland buffer. The proposed new road is located within the buffer but it is pulled back a fair amount from where the existing pavement is. Roads are allowed in the buffers by conditional use. Per the Agreement, "The Revised Application will provide for proposed buildings and vehicular roads outside of the shoreland and wetlands buffers such that variances from town ordinances are not required and the buffers are maintained by the property owner." We will need to clarify if the proposed design is consistent with the Agreement.
- 55) Drive throughs. Mill Plaza said that they are not pursuing the drive through shown on the right side of the Hannaford Building. Another drive through is shown on Building B. Mill Plaza might speak with Rite Aid and Federal Savings Bank to see if they are interested in having a drive through, noting, however, that drive through facilities are allowed only as conditional uses for banks.
- 56) Loading. There is an existing loading dock behind Hannafords. Mill Plaza said that other businesses will be served by box trucks. Loading areas for each building will need to be shown later.

- 57) Easement. A 50 foot existing roadway easement is shown on the plans. The function of this easement should be clarified.
- 58) Additional lane. I recommend considering moving Building B to the east and adding a lane through the parking lot to meet the access drive (this would run along the easterly side of the Mill road parks). It would probably need to be exit only.

Parking

- 59) Mill Plaza report. The report states: "We recommend that the site have sufficient parking to support the proposed mixed uses. At the same time, we recommend that the final design avoid a single large "ocean" of parking as currently configured. We recommend greater use of vegetation and trees, 'sunk' islands rather than elevated ones for trees/vegetation, parking areas broken up among different spaces and buildings, and the construction, if necessary, of a parking structure. We strongly recommend that any parking structure serve Main Street also, and be masked or covered through various design techniques (such as wrapping buildings around) so that it does not visually dominate the overall development."
- 60) Parking. While this is a downtown site and we seek to often limit private parking on downtown sites, the Mill Plaza is a unique site. Many users drive to the site. We need to carefully calibrate the right amount of parking for both the commercial and residential uses. The amount of parking directly accessible to the businesses would drop significantly.
- 61) Parking analysis. Is a parking analysis desirable to ensure there would be sufficient parking for the businesses?
- 62) Required parking (if not for the exemption, above). The number of required parking spaces, if not for the exemption, above, would be 1 per resident, generally 1 per 250 gross square feet for retail and office (a very general extrapolation from the Durham parking ordinance), and variable depending on the other specific uses, such as restaurants.
- 63) Amount and location. Currently there are 345 parking spaces. Mill Plaza proposes to have 360 spaces. However, it appears that the amount of parking available to the commercial area will be substantially reduced. The breakdown of proposed spaces is: 122 spaces in the front commercial area, 56 spaces just beyond the commercial area around Buildings C and D, 22 spaces furthest away in a separate area at the easterly end of the site, and 160 spaces in the two garages in the residential area.
- 64) Sufficient parking? Here is a very rough calculation. 83,850 square feet of commercial space is proposed. Assume a need for 1 space per 250 square feet. This would yield 335 spaces. Reduce this by, say, 25% to account for: a) the parking ordinance likely stipulating a higher amount of parking than is needed at most times (as parking ordinances certainly tend to do since they are often oriented toward semi-peak demand in suburban areas) and the high number of customers walking to the site; and b) the possible provision for employee parking in the garage at Mill Plaza (something we will want to discuss with the applicant). This yields a demand for about 250 parking spaces. Assuming commercial customers will be willing to walk from the 56

spaces just beyond the commercial area, along with those right in the commercial area this yields 178 fairly attractive spaces.

- 65) Employees. In order to optimize use for customers of the limited parking in the commercial area, I recommend that provisions be made for employees to park in the rear section as much as possible.
- 66) Leased spaces. How many parking spaces are now leased to others/students? When do these leases expire? Can they be directed toward the rear of the lot or the garage?
- 67) Parking garages. Good lighting and strong security measures will be needed for the garages.
- 68) Municipal garage. Is it possible for Mill Plaza to develop one larger garage at the rear, preferably on the southerly side near the brook that would serve a broader purpose for the downtown? Perhaps the Town could coordinate on this using the TIF (tax increment financing) and other financing strategies.
- 69) Parking exemption. The Zoning Ordinance exempts development in the Central Business District from meeting the minimum number of parking spaces provided: 1. A parking impact fee (\$750 per space) is paid by the developer for the number of spaces required less the number provided; and 2. The existing number of required parking spaces is not reduced in the proposed project unless approved by the Planning Board.
- 70) Parking deck. Audrey Cline suggested exploring a parking deck/garage under the commercial parking lot. This is worth exploring though it would be challenging. It would add significant parking in the commercial area where it is most needed. There would likely be advantages and disadvantages in terms of the grades.
- 71) Student parking. Is the intention for students to have cars? This needs to be considered and managed very carefully. It would be best to strongly discourage students from having cars. The Police Chief noted that we want to discourage students from bringing cars, recognizing that Mill Plaza will want to make the project attractive for residents.
- 72) Accessible/handicap spaces. Eight accessible spaces are required for 360 total spaces. Eight are shown on the plans and seem to be in efficient locations. Perhaps one should be added in front of the residential buildings in the rear.
- 73) Test for parking. Josh Meyrowitz suggested running a test to see if the reduced parking for the front commercial area would be workable. We could set up barriers to restrict the parking to the amount proposed and see how well that works. This would be far from a perfect test because the rear building would still be in place and there is less development presently than proposed.

Pedestrian Circulation

- 74) Mill Plaza report. The report states: “ *Pedestrian*. We recommend there be numerous pedestrian access points and paths that tie the grocery store other parts of the site to one another as well as to Main Street, the University, and neighborhoods. These paths should be inviting, well designed, and take practical account of pedestrians’ current and likely

future use of the site... *Bicycle*. We recommend a bike path be available on at least the buffer/park along College Brook and that sufficient bike racks and storage facilities be provided in various locations to ensure site users are encouraged to bike. This might mean a bike storage facility in part of any parking garage, for instance.”

- 75) Network of paths. It is key that there be an attractive, efficient, and safe network of pedestrian ways through the site, connecting with places off site in all directions – Chesley Drive to the east, Main Street to the north, UNH to the west, and Faculty Road to the south. It would be helpful to highlight on one of the site plan sheets or on a separate sheet the existing and proposed network of pedestrian ways through the site, including formal sidewalks and informal paths.
- 76) Orion connection. Is a connection to the pathway on the easterly side of the Orion project desirable? Would this be acceptable to Orion?
- 77) Path through Grange property. This is a very important path that should be easily usable. Should this path be reconfigured or modified in any manner?
- 78) Path designs. At the appropriate time, the design of each section of pathway should be determined – width, material (concrete, asphalt, brick, or stone dust/gravel), and lighting.
- 79) Arcade. As Audrey Cline noted it would be desirable for the opening through Building C to connect directly with a sidewalk. Per the Agreement, “The proposed center building shall provide for a ground level connector to encourage pedestrian connectivity through the site towards Main Street.”
- 80) Faculty Road. Many residents from Faculty Road walk down the dirt/gravel path south of the site starting at Faculty Road/Thompson Lane and into or through Mill Plaza. I believe that the Town has an easement for this path and maintains it. The Town also maintains the asphalt path leading from Chesley Drive to Mill Plaza.
- 81) Multi-use path. A path is shown along the brook (partly obscured by vegetation). This “River walk” can be a fine amenity. It should be carefully considered to allow for multiple users, including bicyclists; use of permeable pavement might be the best approach. This is allowed in the buffer as a conditional use. The path should extend all the way to Mill Road. It is shown this way on the color renderings but not on the black and white plan.
- 82) Brick pavers. I recommend use of brick pavers as much as possible to enhance the character of the parking lot and plaza areas and to unify the overall development. It is very desirable to use them at all of the cross walks.
- 83) Awnings. Given that there is much pedestrian movement through the plaza, it would be desirable to include awnings over some of the paths that extend in front of buildings to make passage more pleasant in case of rain.
- 84) Passage in parking lot. It would be desirable to widen and enhance the pedestrian passage, through the parking lot, between the Hannaford Building and Building B

(passage parallel to Mill Road). There should be shade trees and brick pavers. This would require the loss of 3 parking spaces though.

- 85) Connection to Chesley Drive. It is probably desirable that there be no direct path from the rear residential buildings to the multi-use path along College Brook at the southeasterly corner. Students may walk to the Mill Pond potentially adversely impacting Chesley Drive.
- 86) Bicycle infrastructure. The plans should include an attractive, safe, and efficient network into and through the site, and appropriate storage facilities for both the commercial and residential uses.

Commercial Uses

- 87) Mix of uses. The Mill Plaza report stated: "The redevelopment should broaden Durham's tax base through both the commercial and aesthetic value it adds. Ideally, this should be achieved through a balanced mix of uses to feature an expanded grocery store, retail shops, offices, and new housing to make for a more vibrant downtown and commercially successful center for the property owner."
- 88) Age of buildings. According to the Assessing records, the Hannaford Building contains 30,183 gross square feet (It was erected in 1974). The rear building (to be demolished) contains 23,920 gross square feet (It was erected in 1979).
- 89) Plans for existing business. The Town is limited in what it can require regarding the applicant's business plan but the community is very interested in knowing the applicant's thinking regarding existing and future businesses on the site. There are currently 17 businesses on site. Sean McCauley has emphasized Mill Plaza's interest in retaining the current tenants. Mary Ellen Humphrey, Durham Economic Development Director, is working with Mill Plaza and the tenants to meet everybody's needs as much as possible.
- 90) Commercial space. 83,850 square feet of commercial space (retail and office) is proposed. According to the Assessing records, above, there are 54,103 square feet of commercial space now (for an increase of about 55% in commercial space. Per the Agreement, "The revised Application will provide for a total development of existing and new nonresidential commercial space, exclusive of parking, totaling at least 80,000 to 90,000 square feet."
- 91) Serving alcohol. Josh Meyrowitz, a neighbor on Chesley Drive, suggested to me that the Town be judicious in supporting future liquor licenses at Mill Plaza given the student population which will occupy the site.
- 92) Other businesses. Several residents have asked if it is possible to have a bakery and a hardware store on the site. We would encourage Mill Plaza to seek out these types of businesses that foster community.

Residential Uses

- 93) Location of beds. Per the Agreement, "To the extent reasonably practicable, and subject to planning review, the Revised Application shall locate the residential beds

upon the Mill Plaza site with the goal of placing as many beds as possible in the buildings proposed to be located in the northern half of the property.”

- 94) Number of beds. Per the Settlement Agreement, there will be a maximum of 330 residential beds for the entire site with a density of not less than 300 square feet of habitable area per occupant. The disposition of beds is: Building B – 64 beds on 2 stories, Building C – 64 beds on 2 stories, Building D – 126 beds on 2 stories, and Building E – 76 beds on 2 stories.
- 95) Square footage. The residential floor space totals 143,800 square feet: Building B – 27,200 square feet, Building C – 29,200 square feet, Building D – 55,600 square feet, and Building E – 31,800 square feet.
- 96) Interior use. The applicant has stated that they will have separate access (elevators and stairs) for students and for businesses since the two users can be incompatible.
- 97) Senior housing. It would be desirable to include some senior (elderly) housing. The upper floors of Building B would seem a natural place for senior housing. We ask that the applicant explore this possibility.
- 98) Workforce housing. This should be explored. But we have seen that workforce housing is probably not compatible with student housing in the same building (or floor of a building).
- 99) Dwelling units. How many dwelling units are proposed? Are these being designed in a way that they might be readily convertible from student housing to apartments for nonstudents?
- 100) Outside space. A seating area is shown to the east of Building D. What is the optimal location, size, and character of outside space to serve the (likely) student residents while minimizing disturbance to neighbors?

Landscaping and Open Space

- 101) Landscaping. The site needs significantly more landscaping and shade trees, along pedestrian paths and certainly within the parking area at the front of the site. The Site Plan Regulations require more landscaping areas within the parking area. Perpendicular planting islands could be added as well as landscaping strip parallel to the Hannaford Building.
- 102) 5% landscaping. The zoning ordinance requires that at least 5% of parking and driveway areas be landscaped.
- 103) Other requirements. There are numerous requirements related to landscaping in both the Zoning Ordinance and Site Plan Regulations. In the design review phase the applicant should ensure that sufficient areas are designated for landscaping, or that reasonable adjustments can be made at the formal phase.
- 104) Foundation plantings. It is always desirable to have a planting strip around the base of buildings where they meet parking lots and driveways. The Site Plan Regulations

require a 4 foot wide strip. These strips should be added, especially along the front of the three buildings fronting on the commercial area, unless a waiver is granted.

- 105) Impervious surface. The plans show a reduction in impervious surface from the current ~62% to a proposed ~55%.
- 106) Buffer. As part of the formal application, the Planning Board should look at whether additional screening/fencing is needed between the multi-unit housing and adjacent residences.
- 107) Bicentennial Park. The park that was recently redeveloped by the Town is situated on the Mill Plaza property. The Town has an easement to create this park. The easement retains the right of the property owner to use this land in the future. We would like to talk with the applicant about ways to potentially keep the park open in perpetuity. The applicant may want to provide direct access from the park into the adjacent building.
- 108) Mill Road park. A new park along Mill Road is proposed. A formal park with a combination of shade trees, green space, hard scape, and street furniture could be a fine amenity for the project and the community.
- 109) Green roofs. Is it possible to install green/vegetative roofs on any of the buildings?

Natural and Cultural Resources

- 110) Mill Plaza Report – brook. The report states: “College Brook, a tributary of the Oyster River, and its wooded wetland surroundings provide stormwater filtration, aesthetic beauty, wildlife habitat, and a valuable buffer for light and noise between the downtown commercial core and the Faculty Neighborhood. As supported by a report of the College Brook Restoration Group to the MPSC, the redevelopment should work to protect and restore the brook and its buffer's natural functions on the site. This would add value to the Plaza, reassure residential neighbors, and set an example for good environmental stewardship.”
- 111) Mill Plaza report – brook functions. The report also states: “We recommend that public space be provided along College Brook for: 1) a brookside park for walking, biking, and other activities; 2) access between neighborhoods, the Plaza, and the University; and, 3) key functions such as flood storage, water filtration, and wildlife habitat. This brookside park should incorporate curves and other features to appear more natural. The Committee further encourages “low impact” designs incorporating features such as rain gardens, natural swales, permeable asphalt, retention ponds, underground filtration systems, and roof gardens to effectively and more naturally manage storm water.”
- 112) Brook restoration. It would be desirable to restore the brook as appropriate, including the riparian buffer along the brook. Madbury Commons restored the brook adjacent to its project adding significant value to the development. It appears that more than half of the brook is situated on two abutting lots. However, it has been noted that Mill Plaza has deposited large amounts of snow along the brook historically (I forwarded photos sent to me). What responsibility does Mill Plaza have now for restoration of the brook

and the adjacent greenway? See the email from Robin Mower, an abutter, showing photographs of snow piled along the brook.

- 113) Abutting lots. The abutting lots to the south of Mill Plaza are Brookside Commons Condo Association on the westerly side (Lot 3-18), and Martin Lee Trust on the easterly side (Lot 3-19). College Brook weaves among the three lots, with more of it located on the two adjacent lots.
- 114) Buffer along brook. Per the agreement, “The Revised Application will have increased natural buffer along the southern property line adjacent to the College Brook; such buffer to be maintained by the property owner in perpetuity.”
- 115) Wetland and shoreland. The precise wetland and brook and buffer locations will need to be delineated by a wetland scientist on the formal plans.
- 116) Shoreland District. There are numerous provisions in the Shoreland Protection Overlay District that will likely apply to this project. We will examine these provisions in light of proposed plans as we move along.
- 117) Invasive species. There is a great deal of Japanese Knotweed, a highly invasive plant, along the brook. We should coordinate for the eradication of this plant.
- 118) Flood zone. The brook is located in a flood zone, which should be shown on the plans. The flood hazard requirements apply largely to buildings so this should have minimal if any impact on the design.
- 119) Other features. Are there any special natural or cultural resources on the site, such as a stone wall? An overview should be provided as part of an existing conditions plan.

Fire Issues

- 120) Emergency access. The Fire Department will need a second/emergency access into the site. The best location would probably be off Mill Road toward the north of the site, adjacent to the park. This could simply be a wide asphalt or concrete pedestrian way at other times. There could be up to a 6” reveal on the curb to prevent use by other vehicles. Plants in pots that are readily movable could be placed there. (As an alternative, if not feasible, the applicant could probably satisfy this need with extra building requirements.)
- 121) Fire truck circulation. The Fire Department will review the plans to ensure adequate access is provided. Fortunately, fire lanes will not be needed around all of the buildings. As long as the fire truck can get to one exterior door into the building, within 50 feet of the driveway (and within 150 feet to all other doors; or 450 feet to all other doors if sprinkled) then this is acceptable.
- 122) Sprinklers. Most likely all of the buildings will need to be sprinkled.
- 123) Fire hydrant. Presently, there is a hydrant on Mill Road and one roughly in the middle of the site, and there may be one other on the easterly side. New hydrants on site will be installed as part of the project.

- 124) Proximity to other buildings. Mill Plaza should coordinate with the Fire Department on the design of any buildings that will be very close to buildings on other sites (particularly if less than 30 feet). This would affect the method of construction.

Police Issues

- 125) Property management plan. A full management plan will be needed as part of the formal application. An overview of the plan would be helpful to review now.
- 126) Noise. The Police Chief noted that Durham has a strict noise ordinance.
- 127) Video monitoring. The Police Chief says that we will encourage video monitoring of the buildings as much as possible.
- 128) Impact of students downtown. In response to a question about the impact of recent projects, Police Chief Kurz stated: "The impact upon the Police Department was minimal but that was due in large part to significant interaction with each landlord/management team to ensure management protocol was in-place and enforced as well as outstanding coordination with move-in this fall. Noise complaints for 2015 dropped 43% from 2014 due to several factors: 1. The full engagement of the POP officer and 2. I believe off-campus housing, in the right locations, decreases behavior that disturbs others. This has reinforced my hypothesis that police early interaction with the Planning Board and then remain engaged at all phases is critical. While there clearly are more people downtown, and as you know Michael I am working on developing a review of pedestrian activity in the downtown, they have been largely law abiding and cooperative supporting downtown businesses, etc."

Utilities

- 129) Burying utilities. All new utilities must be placed underground. The Site Plan Regulations (Section 17.4) also require that existing utilities be buried as part of the redevelopment unless the Planning Board determines that it is impractical or cost prohibitive given the scale of the project. Andrea Bodo has pointed out the prominence of the utilities behind Hannaford, highly visible from Bicentennial Park. I believe that these also serve some businesses on Main Street. These should be buried if possible.
- 130) Trash. As we have learned from some recent projects, dumpster locations must be very carefully selected, especially to minimize potential smells for neighbors. They should be as unobtrusive as possible, while providing for convenient access. The preliminary plans show dumpsters near Building D. Mike Lynch suggested looking at a compactor system behind Hannaford given the amount of trash generated. A strategy should be developed to minimize flyaway trash on site, much of which goes toward the brook and Chesley Drive.
- 131) Recycling. As part of the formal application we would like to see a plan to encourage recycling by the commercial and residential tenants.
- 132) Water service. This will be shown on the formal plans. Currently, an 8" water line runs through the middle of the site and down Chesley Drive connecting Mill Road to Mill Pond Road.

- 133) Sewer service. This will be shown on the formal plans. The Town plans to do some work on the sewer system near the entrance to Mill Plaza as part of the Mill Road paving project. The current sewer line is located close to the brook.
- 134) Other utilities. Gas service is available to the site.

Stormwater Management

- 135) Low impact development. Joe Persechino, design engineer, said they will look at low impact development, bioretention systems, and rain gardens for the site. We will want to have as much natural treatment of the stormwater as possible.
- 136) Underground retention. Mike Lynch suggested looking at an underground retention system given the amount of impervious surface and limited open areas.
- 137) Erosion control. Mike Lynch noted that there should be very strong erosion control along the brook during construction, likely superfortified with several different measures. Joe Persechino suggested possibly using mulch and stone berms.
- 138) Permeable pavement. This should be explored. Joe Persechino noted that they have not yet done a geotechnical analysis, but his preliminary sense was that the soils would not work well for infiltration.
- 139) College Brook. As part of the stormwater management plan both the quantity of stormwater and the quality should be evaluated, including potential pollutants, sedimentation, and nutrient loading.
- 140) Flooding. Josh Meyrowitz provided a video which I forwarded, showing significant flooding on land just south of Mill Plaza. Mr. Meyrowitz believes this was caused/exacerbated by some changes to the Mill Plaza site in recent years. I would encourage the design engineer to take a look at this situation.

Construction

- 141) Construction management plan. A plan will be submitted with the formal application. Any key elements, however, should be noted as part of the design review phase.
- 142) Phasing. Phasing of construction should be discussed now, as it will impact the overall design of the project and the future of existing businesses.
- 143) Truck traffic. Trucks will need to be restricted to major roads during construction, as we have done with the other downtown projects.
- 144) Mill Road paving. Mill Road is scheduled to be paved in 2016. If it goes as scheduled it will occur well before construction begins on the project. It will be desirable to coordinate use of construction vehicles to avoid damaging the new pavement.
- 145) Contractor. Joe Persechino noted at the TRG the importance of the contractor being involved in details of the project early on, such as the erosion control plan which is critical.

- 146) Hours of work. It will be appropriate to establish the standard hours for outside construction work. Special care will be needed for blasting.
- 147) College Brook. Protection of the brook during construction should be a priority.

Architectural Design

- 148) Formal application. Most of the discussion about the architectural design will occur at the formal phase, but some preliminary sketches of building elevations would be useful to look at now, to get a general feel for what is anticipated.
- 149) Review committee. As the Planning Board did with the Madbury Commons and Pauly's Pockets projects, I think creating a separate architectural review committee to offer recommendations to the Planning Board will be helpful.
- 150) Street furniture and site details. We will want to see details of all proposed street furniture that is permanently affixed such as benches, tables, fencing, light fixtures, and pavers. An architectural review committee could assist in reviewing proposed designs.
- 151) Hannaford Building. Mill Plaza plans to "reskin" the building, likely adding a high parapet (wall) above the first floor to give it more height.
- 152) Site walk. The applicant could place balloons at several building corners to give a sense of height and scale for the site walk. This would be especially important for the proposed addition right on Mill Road.

Other Issues

- 153) Snow storage. Certainly, handling snow will be a challenge. It should not be stored next to College Brook, since the sand or salt could get into the brook and the snow storage could damage vegetation. Snow cannot be stored (i.e. the "dumping of snow") within 75 feet of College Brook per the Shoreland Overlay District. This would likely not occur with the new plan anyway with the parking lot separated from the brook area. Arrangements will need to be made for removing snow in the event of excessive accumulation. In the past, Mill Plaza has placed a great deal of snow along the brook. Mike Lynch suggested looking into acquiring snow melting equipment. He said there are various technologies including portable and pad mounted equipment. He noted that snow can be dumped off site only at NHDES permitted sites. The snow dump at Durham DPW is for use only by DPW. When snow needs to be removed from the site arrangements should be made for daytime removal so that trucks with back up beepers do not disturb residents. Our engineering consultant should review this plan carefully.
- 154) Energy. The applicant will need to complete the Energy Considerations Checklist (prior to Planning Board final action, but it would be helpful to have it earlier). Adherence to the items on the checklist is voluntary but we strongly encourage Mill Plaza to incorporate as many items as possible (many of which can bring significant operational cost savings). Mill Plaza is required to meet with the Building Inspector and a representative of the Energy Committee (or better yet, with the committee itself) prior to any Planning Board approval. We strongly encourage Mill Plaza to consider rooftop solar.

- 155) Fiscal impact. Is a fiscal impact study desirable? The board has required this for several other projects. Fiscal impact is one of the considerations for conditional uses.
- 156) Signage – commercial/advertising. A sign master plan will be needed as part of the formal review or after approval, though it would be better to include it in the site plan review so that accommodations can be built into the plan for freestanding and building signage.
- 157) Signage – directional. This information will be included in the formal plans.
- 158) Lighting. This is an issue that can largely be put off until the formal application is submitted as a lighting plan is highly adaptable to various site plans but some overview at this stage would be helpful. The Site Plan Regulations provide needed standards, including for shielding and dark-sky compliance. Good lighting along pedestrian paths will be important. Mike Lynch suggested looking at LED lighting that could match that used by the Town.
- 159) Bathroom access. Audrey Cline noted, “Every successful public use area has access to clean safe bathrooms. Durham needs to address this issue.”
- 160) Street addresses. The Police Chief noted that the site will need to be carefully addressed to provide for clear directions for emergency services, and other users.
- 161) Management. Per the Agreement, “The proposed development will have dedicated on-site professionally staff management office and security 24 hours a day, 7 days a week, 365 days a year.”
- 162) LEED. We would encourage Mill Plaza to explore meeting the standards for LEED for Neighborhood Development (Leadership and Energy and Environmental Design). This is discussed in the Mill Plaza Report.