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Town Planner's Review
Wednesday, January 27, 2016

- X. **Mill Plaza Redevelopment – 7 Mill Road.** Design Review (preliminary application) for the site involving 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, design engineer; Lisa DeStefano and Adam Wagner, DeStefano Architects, architect. Central Business District. Map 5, Lot 1-1. The public hearing is set for February 10, 2015. Recommended action: Presentation of project and Planning Board comments.
- I recommend the board ask whatever questions it deems appropriate. The public hearing for the design review application is scheduled for February 10. I will have a detailed review for that meeting

Please note the following:

Process

- We received the updated plans on Wednesday. I will prepare a detailed review of the project for the next packet, in advance of the February 10 meeting. The project is being presented to the Technical Review Group on February 2.
- There will be a public hearing on February 10.
- Design review. This is a preliminary design review application. The purpose of the design review process is to allow the applicant and the Planning Board to work through the general design, incorporating changes as appropriate, in the hope of arriving at a plan that all parties think is workable. The application can then be engineered for a formal application with the understanding that making the smaller adjustments and adding necessary information at that stage will not be overly challenging. If the applicant engineers the formal plan before there is confidence that the general approach is workable then the applicant will be resistant to making significant redesigns potentially resulting in an impasse. Given the complexity and challenges of this project I encourage all parties to be patient and to allow the design review phase to take whatever time is needed.

- Laura Spector, Durham Town Attorney, is meeting with the Planning Board on January 27 in closed session to discuss the board's role in light of the settlement agreement (see below). Ms. Spector will also explain this to the public after 7:00 p.m. when the meeting opens and respond to any pertinent questions from the public.

Enclosures

The following items are included in the packet:

- Updated site plan – 1 page
- Architectural documents – multiple pages, elevations have not yet been prepared
- Existing site
- Earlier plan – now superseded
- Settlement agreement – executed between the applicant and the Town.

Project Background

- The Planning Board initiated an amendment to change the zoning changing the minimum habitable area for multi-unit dwellings from 300 to 600 square feet. Fall 2014.
- The applicant submitted a design review application for the project. Fall 2014.
- The Town determined that the Mill Plaza project was subject to the zoning amendment which was adopted. The applicant asserted that the amendment did not apply to the Mill Plaza project for a number of reasons. The applicant appealed and proposed several other methods to work around the amendment but these approaches were not supported by the Zoning Board of Adjustment. The applicant appealed the determination about the zoning amendment to Superior Court.
- The project was still presented to the Planning Board as a design review application, with reviews by the board on several occasions in 2014 and 2015. On June 24, 2015, the Planning Board tabled the application pending review by the court.
- The Town and the applicant reached an agreement regarding the court challenge so the appeal is set aside for now.
- The applicant revised the plans pursuant to the agreement and it is now being brought back to the board for consideration.

Basic Plan

(Note: The proposed residential use on the upper floors is generally classified as “multi-unit dwellings” or “multi-family residential” or simply “apartments.” Given that the vast majority of this type of housing in Durham is occupied by UNH students, it is expected that most or all of it would be occupied by students.)

The rear commercial building will be demolished. There will be five buildings including four new buildings and the existing Hannaford Building onto which an addition will be

constructed. The site will effectively be developed as two separate sections – a front section toward Mill Road with three buildings facing a parking lot and a rear section dedicated to student housing.

In the front section:

- The Hannaford Building will remain as one story with a 2-story commercial addition at Mill Road;
- A new 4-story commercial building, placed at a right angle to Hannaford, will contain two floors of commercial (likely the first floor as retail and the second floor as office) and two floors above of residential.
- A new 3-story building parallel to the Hannaford Building will contain one floor of commercial and two floors above of residential.

In the rear section:

- A smaller 3-story building on the southerly side will contain one story of garage parking, presumably at grade, and two stories of residential above.
- A larger 4-story building on the northerly side will contain two stories of garage parking and two stories of residential above.

Various issues

Of course, there are many issues to work through. At the design review stage, we should examine in some detail those elements which are fairly determinative for the plan, including the site layout, building configuration, massing of buildings, proposed uses, parking and circulation, traffic impacts, pedestrian circulation, green/open space amount and locations. We need look in less detail at elements that can more flexibly be grafted onto the formal application including architectural renderings, specific landscaping plans, hardscape and open space details, stormwater management, utilities, fire access. However, these elements should be reviewed in sufficient detail that we avoid significant surprises at the formal stage which could impact the plan in a substantial manner.

The issues to consider include (more on this later):

- Site Plan
- Massing of buildings
- Amount and location of commercial uses. We will want to put together data comparing the existing and proposed square footage and uses.
- Amount and location of residential uses
- Amount and location of greenspace and open space areas. This includes the connection with the existing park that was recently developed next to the Pauly's Pockets building. The park is on land owned by Mill Plaza. The Town has an easement to create a park here but subject to some limitations.

- The amount and location of parking provided. We will need to look at this very carefully. According to the plans, there are 345 spaces currently and a total of 360 spaces is proposed. Would there be sufficient parking in the front commercial part of the site?
- Traffic impacts, circulation through the site, and capacity of the access. The Town has a traffic model which should be run for this project. Note that the updated plan changed the access into the site. It is shown as an access road, of sorts, along the southerly boundary of the site. This seems to be an effective approach. It should have more traffic capacity, is simpler, and may offer a more attractive entrance to the businesses. The road will need to be carefully designed to limit speed. Consideration will need to be given to the rear of the building fronting the access road.
- The amount of development of the site overall, including buildings and impervious pavement.
- Architectural design. I think we will definitely want to create an architectural review committee for this project. We will also want to review proposed auxiliary structures (like fencing and pavers) and street furniture (benches and permanent tables).
- Construction management and phasing.
- Plans for existing and future 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.
- Pedestrian and bicycle use and transit connections. Optimizing pedestrian connections to adjoining sites and throughout the site is critical.
- Trucking access and loading.
- Fire access.
- Security issues.
- College Brook. Protection and prospective restoration of the brook.
- Energy issues. We will review the Energy Considerations Checklist with the applicant now and later.
- Permeable pavement. Where is permeable pavement workable?
- Lighting. This is the kind of issue that can easily be put off until the formal application is submitted as a lighting plan is highly adaptable to various site plans.
- Signage. Like lighting, this is easily put off until the formal application.
- Operational issues. This includes solid waste, recycling, snow storage, maintenance, management of student housing.

- Outside consultants. We will need to determine which outside consultants are needed for: 1) the site plan review; and 2) to conduct later inspections and help oversee construction.

*What other issues are of significant concern either at the Design Review or Formal Application stage? What additional information would the Planning Board like?

Regulatory issues

- Zoning Ordinance. I will review the project for conformance with the Zoning Ordinance in advance of the February 10 meeting. One question that has arisen pertains to whether the rear buildings are an allowed use. There is some complexity with the ordinance and the history of zoning interpretations. I will consult with the Town Attorney on this.
- Site Regulations. We should have clarification by the February 10 meeting which set of Site Plan Regulations apply to this project, given that the overhaul of the regulations was proposed around the time the project was submitted.
- Conditional use. Residential and nonresidential use is allowed as a conditional use (I will discuss the question surrounding this proposed use with the Town Attorney, above) so the conditional use process will be followed.
- Agreement. The project must be in compliance with the settlement agreement. One question that has come up is the location of the beds. A goal of the agreement is to place as many beds on the northerly side of the site as possible.

Preliminary critique of plan

- Intensity of development. The proposed redevelopment is very intensive. The Planning Board will want to review the proposed amount of development, especially the residential use, to determine if it is appropriate. This review will naturally occur as part of the conditional use review. Is the amount of development appropriate given traffic and access considerations? Parking limitations? Impacts on neighboring properties? Aesthetic considerations? The limited amount of greenspace preserved/created? We should get a Floor-Area-Ratio (FAR) of the proposed development. FAR's can be a helpful tool to see the level of intensity of a site. If information is available we could compare the FAR for this project with other projects (such as Madbury Commons, Orion, the Lodges, the current site, etc.)
- Hannaford Building. I think that every effort should be made to add at least one story onto the existing Hannaford Building. 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. 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.
- 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, which may be a real concern. We will get the actual numbers of spaces for this.

- Downtown location. The design is not the ideal for a downtown location (See note below about the Mill Plaza Study) but the site is unique with a long history and practical constraints. Ideally, downtowns are based on a tight network of relatively narrow streets rather than being oriented around parking lots. How do we make the site as pedestrian friendly and attractive as possible?
- 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.
- 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.
- 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 plans are significantly different from the applicant's proposal. So, the questions arise: Which aspects of the Study are most important and most worthy to try to incorporate? Which features, though worthy, may not be appropriate for the Town to require or realistic for the applicant to implement?
- Building Official comments. Audrey Cline, the new Durham Building Official offered these preliminary comments:

A couple of thoughts on the Mill Road Plaza preliminary drawings:

To be mindful of the streetscape as seen from Main Street, primarily behind the new pocket park, but also as the development relates to the new student housing all along Main Street. There are a couple of historic footpaths from those new Main Street buildings to the plaza. Those footpaths should be redeveloped to allow for safe and attractive circulation from several points along Main Street to the Plaza.

As a recurring theme in all future design downtown, the development of paths and walkways for circulation should stress safety for those using the pathways at night. Great lighting, visibility throughout the pathway from both ends from adjacent streets and public areas of buildings alongside the paths. Equally important inside of the parking garages.

Public bathrooms. Every successful public use area has access to clean safe bathrooms. Durham needs to address this issue.

The creation of a sense of neighborhoods within the Plaza configuration. Presently, there are no spaces besides walkways that take people from their apartments to their cars to off-site. Areas created as neighborhood interaction spaces need to also meet the safety standards of the pathways.

Building “C” seems to attempt to create a central design element with the open covered walkway. This is a good start, but the open walkway aligns with nothing but parking on either side, where it would be better aligned with the pedestrian/neighborhood types of spaces that this site desperately needs.

The walkway/bike path from the eastern property line drops people off mid-development onto a sidewalk. This doesn’t work well for bicycles. They need an option that is not the sidewalk and is not the traffic lane (unless marked as bike path in addition to vehicle travel lane. As a pleasure cyclists, I would “take the lane” in this instance, which means cars would be intermingled in line with bikes. Not the best scenario.)

I will be interested in seeing the architectural renderings of the proposed buildings when they are submitted.