



TOWN OF DURHAM
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Town Planner's Project Review
Wednesday, October 26, 2016

- XII. **Public Hearing - Mill Plaza Redevelopment – 7 Mill Road.** Design Review (preliminary application). Updated design for site plan and conditional use for the redevelopment of this 10-acre site. The project involves demolition of the rear commercial building; construction of 2 new mixed-use buildings, 1 with commercial on ground level and 3 floors of residential and 1 with commercial on ground level and 4 floors of residential; construction of 1 retail outbuilding; 370 parking spaces, including 42 garage spaces; a total of 80,000 square feet of commercial; residential space for 330 occupants; new public spaces; and other site changes. Colonial Durham Associates, LP, property owner; Sean McCauley, agent; Joe Persechino, Tighe & Bond, engineer; Steve Cecil and Emily Innes, The Cecil Group, site planner; Lisa DeStefano, DeStefano Architects, architect. Central Business District. Map 5, Lot 1-1
- I recommend that the board hold the public hearing, discuss the project, schedule a site walk, and continue the design review and public hearing to November 9 or December 14, or later, as appropriate.

New Plans

- 1) Updated plans. Updated plans were submitted via email on October 11, 2016, and then additional revisions were submitted on October 13, 2016. The new material includes the following:

October 11

- Memorandum dated October 11
- 6-page set of images dated October 8, including Existing Conditions photos, Constraints, Opportunities, Scenario A with cross sections, Scenario A with views, and Design Precedents (photos).

October 13

- Revised Scenario A with views
- Updated Constraints

- 2) Hannaford and Rite Aid. The applicant informed us that they spoke with representatives of Hannaford and Rite Aid, and those businesses are not willing to relocate. The applicant states that they have long-term leases which allow them to

remain in their present locations. The applicant also states that it is not feasible to build over the existing building.

- 3) Neighborhood meeting. The applicant called a meeting of various members of the community on Saturday, October 8 to receive additional input. Staff and Planning Board members did not attend this meeting. The applicant said the October 13 plans were revised pursuant to this meeting.
- 4) Technical Review Group. The updated plans were presented to the TRG on October 11. I will send notes of the meeting to the Planning Board shortly.
- 5) Public Hearing. The prior review with the Planning Board was on June 8.

Process

- 6) Site walk. I think that it would be beneficial to schedule a site walk now. The applicant could stake or spray paint the corners of the proposed buildings. This would be helpful to get a better sense of the buildings' locations and potential impact.
- 7) Design Review. The application is still in the preliminary design review process. The goal for this process is to develop a preliminary plan that seems to be acceptable to the Planning Board. The applicant would then apply for any needed variances and then engineer the project and return with a formal application. Again, it is not essential that all aspects and details of the preliminary plan be presented during this phase but all significant elements of the project which are reliant on the basic plan should be discussed. Either the Planning Board or the applicant may close the design review process at any time. It would be prudent to keep the public hearing open until the board receives a plan that appears acceptable.
- 8) Comments. It would be helpful for each Planning Board member to offer comments on the updated plans after the public hearing is held.
- 9) Next meetings. I would think one or two more design review meetings after this Wednesday, may be sufficient.
- 10) Outside studies. At the appropriate time specific studies will be needed, including a traffic study and probably a parking study and fiscal impact study. Would it be useful for the applicant to prepare any studies as part of this preliminary review?
- 11) Zoning interpretation. Once the design review process closes, and the applicant is clear about the final plans they expect to submit, the applicant should meet with Audrey Cline, Zoning Administrator, and me to determine exactly which variances and which conditional uses might be needed. The applicant should then apply for any needed variances before submitting the formal application to the Planning Board.

Positive elements of revised plans

- 12) I think there are numerous positive elements of these revised plans as follows.
- 13) Rectilinear layout. This plan has a rectilinear layout in contrast with earlier plans. This is a more pleasing, pedestrian-friendly, and efficient layout. I think this is a good template to proceed from.
- 14) Main corridor. There is a primary corridor along the northerly part of the site, running in front of the Hannaford Building. Steve Cecil referred to this as an “organizing principle” of the site. It is hoped that this corridor, along with secondary corridors running perpendicular to it (along Mill Road, in front of the middle building, and in front of the rear building), may function like *public streets* with wide sidewalks, outdoor sitting areas/plazas, street trees, traffic calming (such as with a speed hump or bump outs), handsome fronting architecture, street furniture, good signage, and welcoming store and office fronts.
- 15) Existing park. This plan retains the pocket park located along Mill Road, next to the Works and extends it further along Mill Road to the south, eliminating the building addition there that was proposed earlier.
- 16) Outbuilding. A small commercial outbuilding is shown along Mill Road next to the entrance to the site. I think this is beneficial and serves several purposes: a) It provides a pleasing visual enclosure to the main space/parking lot; b) It helps to screen the parking lot from Mill Road; c) It extends building frontage down Mill Road serving to extend the downtown and reduce the traffic-oriented character of this section of Mill Road; and d) It will hopefully have the character of a “pavilion” (as described by Steve Cecil) and house an attractive public use such as an ice cream parlor. This building configuration is superior to that shown earlier as it is smaller and fits into the Mill Road frontage well, the drive through is eliminated, and no parking is lost.
- 17) Path along brook. The revised plans show a buffer for most of its length between the path along the brook and the driveway. It would be desirable to incorporate a buffer for the entire length, if possible. The seating area in the middle should be moved to the south a little so that it is well buffered from the driveway.
- 18) Residential areas. The residential areas in the rear building are now somewhat further from the Faculty Road and Chesley Drive than there were in prior iterations.

Number of floors

- 19) Number of floors. Scenario A dated October 8 shows 1 commercial floor and 3 (or 2-1/2) residential floors above on the middle building. It shows 1 commercial floor and 4 (or 3-1/2) residential floors on the rear building.
- 20) Central Business District requirement. Section 175-41 Central Business District, F. 7. Allows for a maximum of 4 floors with a maximum of 2 floors of residential only if there are 2 floors of commercial (See conditional use exception below), as follows:

Maximum Height of Mixed-Use Buildings – The height of a new or redeveloped mixed use building that provides both residential and nonresidential space shall be a maximum of three (3) stories notwithstanding other height limitations. The first floor shall be nonresidential. However, if the building contains nonresidential uses on the first floor and one additional story of nonresidential, the maximum permitted height shall be four (4) stories. If the proposal is for a four (4) story building, the first floor shall be nonresidential and the remaining three floors shall consist of two residential and one nonresidential. However, see Sections 8 and 9 below for limitations to this provision.

- 21) Conditional use exception. An exception to this provision, above, is allowed under F. 11., as follows:

Conditional use for nonresidential use. The requirement for nonresidential use, specified in subsection “7. Maximum Height of Mixed-Use Buildings,” above, may be adjusted by conditional use where the Planning Board determines that: a) devoting the entire floor(s) to nonresidential uses is not practical; b) there is a reasonable alternative arrangement that will serve the intent of this requirement; and c) the amount of square footage of the nonresidential use under this alternative arrangement is at least as much as would otherwise be required.

- 22) Exception. I believe that the intent of this conditional use was to provide flexibility on sites where there are multiple buildings, to allow a rear building, for example, to dispense with first floor commercial, provided additional commercial uses located in another building, such as on the upper floors of a front building where commercial use might be more viable.
- 23) Conformance with conditional use? The proposed layout does not appear to meet the requirements of this conditional use. The first question is whether the existing square footage of the Hannaford Building should be allowed to count. This is debatable. Even if it were determined that the square footage of the Hannaford Building should count, it appears (from the depiction of building footprints in the drawing) that there would not be sufficient square footage to allow for 3 floors of residential, let alone 4 floors of residential. Furthermore, subsection 7 indicates that there should be a maximum of 4 floors total, in any case (The rear building is 5 floors). The applicant will need to provide information on the square footage of every floor, including that of the Hannaford Building, to clarify this issue.
- 24) Variances. It appears that one or more variances would be needed to allow for the number of floors as proposed.
- 25) Preferred number of floors. Apart from any variances or conditional uses that might be needed, it would be preferable for the middle building have 3 rather than 4 floors, and the southerly portion of the larger rear building (the section labeled as “13” in Scenario

A) also have 3 (or perhaps 4) floors rather than 5. These are the two buildings/sections closest to the residential neighborhoods.

Design recommendations

- 26) Middle building. We discussed at the TRG possibly reducing the height of this building by one floor and relocating residential units to the building right to the north. This would be desirable if there is room to do so. Ideally, the middle building will have 1 floor of retail, 1 floor of office above, and 1 floor of senior housing on top. We urge the applicant to explore this approach.
- 27) “Main Street”. As I mention above, numerous elements should be incorporated to make the main corridor function like a public street. How wide are the sidewalks that are proposed? There is a drive through on the northerly side of the middle building. This drive through should be relocated or eliminated as it will significantly impair the feeling of a public street here. Presumably, this is for the bank, which is located on the opposite side of the building.
- 28) The Works Space. I understand that the Works restaurant may be leaving their space at the westerly end of the Hannaford Building, and that this space may be utilized by Hannaford in which to expand. If so, this section of the building could potentially be rebuilt with a second and an entrance could potentially be added from the adjacent park. If Hannaford were to occupy the space perhaps public-focused uses such as a bakery or café could be incorporated there more efficiently activating the green space for public use and enjoyment while simultaneously increasing public exposure/activity for the commercial uses within the building to the benefit of all parties.
- 29) Park along Mill Road. The park should probably be wider. It appears to be about 45 feet wide. The park is much wider in the rendering that is part of the Settlement Agreement.
- 30) Greenspace. Significant greenspace is needed to break up the main parking lot – with landscaped medians and islands - and this is called for in the Zoning Ordinance and Site Plan Regulations. Specific plantings need not be provided now but the areas for landscaping should be shown in the design review phase so that we know there is sufficient space for plantings. The Site Plan Regulations require a 4 foot wide strip around building foundations, on either side of the sidewalk. This should all be shown on the next iteration.
- 31) Public space. A seating area/plaza should be incorporated, somewhere along the main corridor – such as in front of Hannaford or in front of the middle building. The illustrative drawing in the Settlement Agreement shows outdoor seating space and a plaza in front of the Hannaford Building.
- 32) Senior Housing. As I mentioned above, we would like to see some senior housing incorporated. The upper floor(s) of the middle building would probably be quite desirable for this purpose.

Additional Information Needed

- 33) Additional information is needed. We have asked for these items several times. It should be provided by the meeting on Wednesday or with the next iteration.
- 34) Area plan. It would be helpful to show a scaled plan with neighboring lots including building footprints and property owners' names. I emailed a suggested area around the project to include.
- 35) Assigned parking spaces. How many spaces are leased to students presently and what are the general terms of those leases? The Planning Board and members of the public have asked this question several times but the board has yet to receive an answer from the applicant.
- 36) Existing businesses. It would be helpful to show the locations of existing businesses in the two existing buildings, including the names of the businesses and square footage used.
- 37) Brook buffer. The Settlement Agreement calls for an increased natural buffer along College Brook. The edge of existing pavement should be shown on the plans. The wetland buffer detail shows setbacks. The wetland setback is 75 feet. This should be labeled. The shoreland setback is 25 feet. The line shown does not seem to correspond to the location of the brook.
- 38) Scale. A scale should be included on the plan so distances can be measured.

Zoning Ordinance

- 39) Multi-unit residences. The Zoning Ordinance allows multi-unit dwellings in the Central Business District as a *Mixed Use with residential (office/retail down, multiunit residential up)* as a conditional use.
- 40) Garage parking. I have confirmed with the Town Administrator that first floor garage parking counts as nonresidential. While the description of the use in the use table refers to "office/retail down," above, the specifications for each floor in Section 175-41 Central Business District, F. 7. (See above under Number of Floors) refers to "nonresidential" for the first floor. The former Zoning Administrator determined that garage parking on the first floor meets this requirement, and that determination still applies.
- 41) Building height. The maximum height in the Central Business District is 30 feet with an allowance for up to 50 feet at the discretion of the Planning Board. The applicant stated at the TRG meeting that all of the buildings would meet or be under 50 feet (On buildings with a pitched roof, height is measured to the midpoint between the eave and ridge).

- 42) Drive through facility. A drive through facility for the bank is allowed by conditional use.
- 43) Setbacks. There are no minimum or maximum setbacks in this part of the Central Business District.
- 44) Impervious surface. 100% impervious surface is allowed in the Central Business District.
- 45) 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.
- 46) College Brook. The Shoreland Protection Overlay District extends 75 feet from College Brook. Structures must be set back 25 feet from the brook. We will clarify later exactly what reviews may be needed under the Shoreland Protection and Wetland Conservation Overlay Districts for the footpath, driveways, parking, buildings, and other site elements. Certain elements may be grandfathered under the current development, others may be allowed by conditional use, and others might require a variance.

Parking

- 47) Number of spaces. Scenario A states there are 370 total proposed parking spaces, but the parking detail calls for 100 spaces for Hannaford, 115 next to those spaces, 65 spaces in the rear lot, and 42 spaces in the garage, for a total of 322 spaces. It appears there would also be a dozen or so spaces near the outbuilding. This discrepancy should be clarified.
- 48) Parking analysis. Parking is a key part of this project. It will be useful to have a detailed parking analysis prepared by the applicant showing the exact amount of building space by type of use and how the various parking spaces would be allocated. The analysis should address the specific requirements in the Zoning Ordinance and Site Plan Regulations.
- 49) Residential parking. The applicant states that there will be no parking for residents and that the garage parking will be reserved for employees. A number of other student housing developments have been built in the downtown in recent years with little or no parking for the tenants. However, how will the applicant prevent residents from parking in the lot that is best reserved for customers?
- 50) Overflow. A rear area, to the lower right, is shown as overflow parking. This could incorporate brick or grass pavers so that the area is not covered in asphalt. Steve Cecil said this area could be a public space, such as for a farmer's market. However, it should not be an attractive place for students to congregate in proximity to the neighborhood.

- 51) 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 cannot be reduced in the proposed project unless approved by the Planning Board. Refer as well to Section 1.e. of the Settlement Agreement envisioning a minimum of 345 parking spaces with the actual number of spaces to be approved by the Planning Board based upon the zoning ordinance and site plan regulations.
- 52) Short term parking. At the TRG it was suggested that there be some kind of short term parking/drop off/loading areas for residents.

Traffic and Circulation Issues

- 53) Traffic model. The Town and UNH share a traffic model and share expenses 50-50. It would be appropriate for Mill Plaza to pay for a run of the model as part of the formal review. Presently, we have only an outdated model for the peak morning time. We expect to pay our consultant Resource Systems Group to update the morning model and create an afternoon/evening model. Given the scope of the Mill Plaza project, we believe that Mill Plaza should contribute to the cost of these upgrades. We propose that the costs be split among the Town, UNH, and Mill Plaza. It would be worth discussing what an appropriate split would be. The estimated cost for the morning update is \$27,000 and for the evening model is \$53,000.
- 54) Traffic study. The board will need to determine if a traffic study is needed in addition to a run of the traffic model. Once there is an acceptable plan it might be helpful to do some analysis at the design review stage.
- 55) Truck access. The revised plans show a truck circulation detail. It will need to be confirmed that this is workable for fire trucks, garbage trucks, and delivery vehicles. How will deliveries be made to the middle building? It was noted at the TRG meeting that delivery trucks on site tend to stack up. Delivery trucks tend to idle causing pollution and disturbing neighbors. This will need to be addressed.
- 56) Main Drive. At the TRG, it was emphasized that the main driveway can be a raceway. Some traffic calming here would be helpful.

Pedestrian and Bicycle Circulation

- 57) Pedestrian access. An updated detail is provided. The sidewalk in front of the middle building should be quite wide to accommodate pedestrian flow. It would be a nice amenity to include awnings here for rainy weather. A cross walk with perhaps a speed hump should be added along the main drive along the brook, leading from the footpath to the front of the middle building.
- 58) Connection to Main. Note that a switchback is shown along the path leading to Main Street. Presumably this is needed for the path to be accessible.

- 59) Infrastructure. Various elements of bicycle infrastructure should be included on later plans.
- 60) Private Terraces. A terrace is shown at the second floor in the rear building, and three others are shown. It seems appropriate to provide public space for the residents, and these would be partly shielded from the neighborhoods. Would these become loud and distracting for shoppers walking down the main corridor? This should be explored more. The applicant suggested at the TRG meeting that the space (at least the main terrace) could be closed off if there were problems.

Other Issues

- 61) Commercial Uses. The applicant proposes an additional 50,000 square feet of commercial beyond the existing Hannaford Building. This space would include the entire first floors of the other buildings (but no upper floors) except for the garage parking on the easterly side of the rear building. The applicant said there is about 57,000 square feet with the two existing buildings. Mary Ellen Humphrey, Durham Economic Development Director, says that there is now nearly 100% occupancy of retail and office space in Durham (with a few spaces still available, including the two Orion buildings). It would seem the site could accommodate a significant increase in retail and office space. The applicant said at the TRG meeting they would like to accommodate a one-step move for the existing businesses but there will likely require a two-step move for some, due to construction constraints. At the TRG, it was noted that the rear area at the southeast of the site, could be a good place for a business that is a destination use, such as Wildcat Fitness.
- 62) Architecture. The building designs can be presented later with the formal application. Presumably, the Hannaford Building will get a facelift, including adding a high parapet wall and/or gables to give the building more height and character. The Town's Architectural Regulations will apply to the project. As the applicant stated at the TRG meeting, the intent will be to break up the mass of the buildings so they do not have the monolithic character of a single large block.
- 63) Archway. It appears that there would be an archway in the middle of the large building at the rear, to allow for trucks to pass through. This could be an interesting design element.
- 64) Ledge. There is likely significant ledge at the northeasterly corner of the side that will need to be removed. A high retaining wall will then be needed there. Apartments on that side of the rear building will look out upon the slope or retaining wall. A detailed plan for removing the ledge will be needed with the formal application.
- 65) Stormwater Management. The applicant said there will be some underground storage. Space should be indicated where any above ground structures will be needed.
- 66) Snow storage. Where will the snow be stored? It should not be along the College Brook buffer. This should be shown as part of the preliminary plan.

- 67) Dumpster. Where will dumpsters be located? The applicant indicated that there may be interior storage rooms with roll out dumpsters in the middle building. Mike Lynch emphasized at the TRG meeting that frequent pick up and trash compacting can reduce the area needed for trash.
- 68) Utilities. Andrea Bodo, Vice Chair of the Heritage Commission, recommended at the TRG meeting that the extensive above ground utilities behind the Hannaford Building be shielded or buried to enhance the character of Bicentennial Park. The Site Plan Regulations require that existing utilities be buried as part of a redevelopment unless otherwise determined by the Planning Board.
- 69) Fire Department. John Powers, Deputy Fire Chief, stated at the TRG that there would need to be a second means of egress. This could probably run through the park area located to the west of the Hannaford Building. Fire trucks will need to circulate through the site without undue interference from trees, lights, snow piles, etc. Any underground drainage systems will need to support a fire truck including ladder set ups. Exit doors and paths for egress outside of each building will need to be shown. Habitable areas will need to be sprinkled.
- 70) Police Department. See the memo from Police Chief Dave Kurz, discussing a number of issues.
- 71) 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.
- 72) Electric vehicles. As recommended by the chair of the Energy Committee, it would be great to add a location for the charging of electric vehicles, if possible.
- 73) Water and Sewer. As part of the design review process it should be clarified what kinds of water and sewer upgrades may be needed. The main sewer line running through the site should be shown on the next iteration.
- 74) Brook restoration. As part of the formal application, a plan for the restoration of College Brook should be submitted. There is significant growth of Japanese Knotweed, an aggressive invasive species.
- 75) Sustainability. We encourage the applicant to meet with the Energy Committee early in the process to discuss potential sustainability measures. The applicant said at the TRG meeting that there would be a sustainability program for the project. Steve Cecil is knowledgeable about urban agriculture and rooftop gardens. Use of rooftop solar panels should be explored. The buildings have a southerly exposure.

Settlement Agreement

76) The Town and the applicant signed an agreement on December 14, 2015. The terms relating to the design of the project are as follows:

“a. 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. 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.”

“c. 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.”

“d. 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.”

“e. Proposed on-site parking shall be increased from the existing 345 spaces to a number acceptable to the planning board based on the zoning ordinance and site plan regulations.”

“f. 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.”

“g. The proposed center building shall provide for a ground level connector to encourage pedestrian and bicycle connectivity through the site towards Main Street.”

“h. The proposed development will have dedicated on-site professionally staffed management office and security 24 hours a day, 7 days a week, 365 days a year.”

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.