



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

Town Planner Recommendations
DURHAM PLANNING BOARD
Wednesday, June 24, 2015

- X. ***Public Hearing - Mill Plaza Redevelopment.*** Design Review (preliminary application) for significant redevelopment of Mill Plaza Shopping Center site including commercial space (existing and new), an addition to the existing Durham Marketplace building, new buildings, 442 beds in new residential buildings, greenspaces and plazas, and change in the layout and number of parking spaces. Colonial Durham Associates, LP, c/o John Pinto, owner. Sean McCauley, representative. Joseph Persechino, Tighe & Bond, Design Engineer. Adam Wagner, DeStefano Architects, Architect. Tax Map 5, Lot 1-1. Central Business Zoning

- I recommend that the design review application be tabled as follows.

Draft
NOTICE OF TABLING

Project Name:	Mill Plaza Redevelopment
Type of Project:	Design Review for site plan
Applicant:	Colonial Durham Associates, LP
Engineer:	Tighe & Bond
Map and Lot:	Map 5, Lot 1-1
Zoning:	Central Business District
Date of action:	June 24, 2015

The Planning Board tabled the application on June 24, 2015 with the following terms and conditions:

- 1) The design review application is hereby tabled and the public hearing is closed.
- 2) If the application is not otherwise continued or extended by the Planning Board, the design review application will automatically end/be closed 30 days after the exhaustion of all appeals by the applicant (including appeals to the ZBA or court).
- 3) The applicant may bring the design review application back to the Planning Board for any scheduled meeting of the board, prior to the expiration stated above. A request in writing (including email) to bring an application back to the board shall state the specific meeting (“first meeting”, below) at which the applicant wishes to be heard, and shall be submitted at least three weeks prior to that meeting. (*over*)

- 4) New notices for the application and a new public hearing shall be sent and paid for by the applicant. Pursuant to the Planning Board Rules of Procedure, the application shall be presented at the first meeting as specified by the applicant, above, and the public hearing shall be held on the next available meeting after that.

The procedure for Design Review applications, per the Planning Board Rules of Procedures is as follows:

Design Review. For design review applications, at the first meeting of the Planning Board, the project will be presented, and at the next meeting a public hearing will be held. The staff shall state this accordingly in the notices that are mailed and posted when the application is submitted. A public hearing will still be required later after the formal application is accepted as complete.

Ari Pollack, Attorney for the applicant conveyed this to me the following via email:

Colonial Durham, through my office, will attend next week's meeting to provide the PB with an update on the status of the litigation. As you know, the case has been filed and was served on the Town, but otherwise remains in its initial stages and is pending before the Superior Court. We will be asking the PB for an additional postponement, duration to be determined, as the litigation remains unresolved and the timetable for the Court's resolution of the case is likewise uncertain.

-Ari

Ari B. Pollack, Esq.