

Recommendation to the Durham Planning Board on the Mill Plaza Redevelopment

Durham Conservation Commission

January 4, 2021

The Durham Conservation Commission is not recommending a Conditional Use Permit for the Mill Plaza Redevelopment construction in the Wetland Conservation and Shoreland Protection Overlay Districts.

The Mill Plaza Redevelopment project does not meet Standard 1 of the four required standards for Conditional Uses. Standard 1: There is no alternative location on the parcel that is outside of the WCOD and SPOD that is feasible for the proposed use. The Mill Plaza parcel, with few exceptions (see below) may accommodate the project without construction in the wetland buffer.

Seventy-five feet is the standard width of the wetland buffer for a non-tidal wetland in the WCOD Ordinance (Article XIII: 1175-59(A)). The WCOD standards state: The provisions of the WCOD shall apply to the following areas of the Town of Durham: 2. The width of the upland buffer strip from the reference line of the wetland shall vary with the type of wetland as follows: ...d. All other non-tidal wetlands-in all other zones - 75 feet.”

The SPOD Ordinance (Article XIV) applies to all land within 75 feet of College Brook (Sec. 175-70) and requires that all principal and accessory buildings and structures be set back at least 25 feet from the Brook (Sec. 175-74(A)(3)). In all cases the 75-foot SPOD area is within the 75-foot upland buffer strip; therefore, it is only necessary for the Commission and the Planning Board to consider whether the proposed uses and activities within the WCOD buffer are appropriate.

The following motion was passed by the Conservation Commission on January 4, 2021 (6-1).

The Conservation Commission recommends that the Mill Plaza Redevelopment be re-designed to restore a 75-foot vegetated wetland buffer with no impervious surface to achieve functions including, but not necessarily limited to:

- Stormwater management, working in concert with engineered systems;
- Increasing floodplain capacity to the extent possible to reduce flooding impacts on the opposite side of College Brook reported by the residents in that area;
- Increasing habitat area, especially if existing habitat will be lost on the opposite side of the site;
- Buffering light and noise pollution for the stream system and adjacent residences;
- Improving greenspace and aesthetics.

To achieve these functions, the Conservation Commission expects that the buffer would need to include not only an increase in habitat area but also sufficient height and density of vegetation.

Exceptions to this recommendation would be at the entrance to the parking lot and the minimum distance needed to safely turn away from the wetlands, and the gravel wetland proposed at the opposite end of the site.

In making this recommendation, the Conservation Commission recognizes that this stretch of College Brook is being asked to handle higher than natural water flow during high precipitation events due to watershed management decisions and channeling upstream by the Town and UNH. Therefore, we urge the Town and UNH to work with the property owners to plan and consider jointly funding restoration as a form of mitigation.

Additionally, the Conservation Commission recommends that the development implement best practices for snow removal, salt and sand application, fertilizer use, waste management, and other impacts outside of the wetland buffer.