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May 21, 2018

Paul Rasmussen, Chair
Durham Planning Board
8 Newmarket Road
Durham, NH 03824-2898

Re: **Application for Shoreland/Wetland Buffer Conditional Use Permits -
Redevelopment of the Mill Plaza**

Dear Chairman Rasmussen:

As a supplement to the Application for Conditional Use Permit regarding the proposed "Mixed Use with Residential" redevelopment of the Mill Plaza, Colonial Durham Associates, LP ("Applicant") hereby submits this project narrative to address the additional criteria specific to conditional use permits in the context of the Wetlands Conservation Overlay District and the Shoreland Conservation Overlay District, Zoning Ordinance Articles XIII and XIV, respectively. Reference is also made to a certain Application for Site Plan Review, filed herewith by Applicant of even date ("Proposed Site Plan").

Specifically, with respect to the "construction of streets, roads, access ways", and pedestrian walkways/sidewalks as depicted on the Proposed Site Plan, the four (4) near-identical criterion set forth in Sections 175-61.B and 175-72.B are addressed below.

1. No alternative location on the parcel outside of the SPO/WCO districts are feasible for proposed use. Approximately 1,395 SF of shoreland buffer coverage and 39,411 SF of wetlands buffer coverage is proposed through the redevelopment for driveways, access ways, walkways, parking islands, parking aisles and accessory parking spaces, all as depicted on the Proposed Site Plan. These proposed permanent redevelopment impacts are consistent with the existing condition and cannot be located elsewhere without altering the configuration and layout of the proposed buildings and use densities - all of which reflect the terms of settlement between the Applicant and the Town of Durham as memorialized in a certain "Agreement to File Joint Motion to Stay

Proceedings in Colonial Durham Associates, LP v. Town of Durham, Docket Nos. 219-2015-CV-00016 and 219-2015-CV-00173", dated Dec. 14, 2015 (the "Settlement Agreement"). The intent of the layout depicted on the Proposed Site Plan is to hold the existing southerly edge of the entrance driveway, while enhancing stormwater management and treatment to better protect and buffer College Brook from unmanaged sheet-flow and untreated runoff.

2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities. The features depicted on the Proposed Site Plan are reflective of both the existing areas of disturbance, and modern vehicular and pedestrian widths, clearances and specifications. No additional disturbance beyond the existing condition is proposed.
3. The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the adjacent shoreland/wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts. The Proposed Site Plan is accompanied by a modern stormwater management proposal and an aggressive landscaping plan to treat runoff and better protect the College Brook waterway in comparison to the existing condition. Landscaped parking islands also provide additional green space and pervious areas relative to the extensively-paved existing condition.
4. Restoration activities will leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the CUP. Applicant has retained a qualified consultant to suggest additional means of restoring and protecting the College Brook waterway, all of which can be done in partnership with the Town, the University and/or interested abutters. At a minimum, however, Applicant is improving upon the existing condition whereby unmitigated/untreated sheet-flow runoff from paved parking areas enters upon the buffer areas and waterway.

Paul Rasmussen, Chair
Durham Planning Board
May 21, 2018
Page 3

Very truly yours,

A handwritten signature in blue ink, consisting of the letters 'C B.' followed by a long, horizontal, slightly wavy line.

Ari B. Pollack

ABP/mla

cc: Rick Taintor, Project Planner
Colonial Durham Associates, LP