



PLANNING DEPARTMENT

Town of Durham

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Planning Consultant's Review

Planning Board Meeting – Wednesday, April 15, 2020

XII. ***Public Hearing - Mill Plaza Redevelopment***, 7 Mill Road. Continued review of formal application for site plan and conditional use for mixed use redevelopment project and activity within the wetland and shoreland overlay districts. Colonial Durham Associates, LP, property owner. Sean McCauley, agent. Joe Persechino, Tighe & Bond, engineer. Ari Pollack, attorney. (Rick Taintor is serving as the Town's Contract Planner.) Central Business District. Map 5, Lot 1-1.

- I recommend that the Board reopen the public hearing and vote to continue it to May 13, 2020, or another date certain.

Please note the following:

- 1) On March 11, 2020, the Planning Board opened the continued public hearing on the revised Site Plan for the Mill Plaza redevelopment project. The bulk of the hearing was taken up by continued public comment on (1) the landscaping plan and (2) stormwater management, including impacts on College Brook's water quality and flooding. The public hearing was continued to April 15 to consider the applicant's traffic impact study.
- 2) In my March 5 memo to the Planning Board I outlined several aspects of the applicant's current site plan that are not in compliance with the landscape requirements of the Site Plan Regulations, and that would therefore require waivers or other discretionary approval by the Board. On March 18 I participated in a conference call with Joe Persechino of Tighe & Bond and Emily Innes of Harriman in which they outlined draft changes to the site plan in response to my review.
- 3) On March 18 CDA's attorney Ari Pollack notified me that discussions with Hannaford regarding the traffic study remained unresolved and that therefore CDA would not be able to present the traffic analysis at the April 15 hearing. Instead, CDA proposed to use that hearing to present the fiscal impact analysis and proposed revisions to the site plan to address the landscape issues.
- 4) On April 3 the applicant submitted a Fiscal Impact Analysis report prepared by Fougere Planning & Development, Inc. I have reviewed the Fiscal Impact Analysis and concur with the report's overall finding that the proposed redevelopment will have a positive

impact on Town government finances. I have conveyed to the applicant's consultant a concern about one aspect of the methodology:

- In Table 8, page 14, the report compares the post-development gross tax revenue of \$1,012,858 (from Table 4, page 9) to the estimated marginal service cost increase (i.e., the net service cost) of \$96,036, resulting in a net positive impact of \$916,822. However, this gross tax revenue figure includes the existing revenue from Mill Plaza of \$224,419 (Table 4, bottom line). I believe that the analysis should compare marginal costs to marginal revenues, and therefore should use the net tax revenue of \$788,439 ($=\$1,012,858 - \$224,419$), resulting in a yearly positive impact of \$692,403.

As noted, with this correction the analysis still produces a positive estimated fiscal impact.

- 5) The applicant has also submitted revised landscaping plans intended to address compliance with four sections of the Site Plan Regulations, and a request for modification of three standards in the Regulations: (1) the 6-foot minimum width of landscaped areas in several locations; (2) the requirement for a 4-foot-wide planting strip between a building foundation and an adjacent parking lot or driveway, or between a sidewalk and a parking lot or driveway; and (3) the 40-space maximum for any section of a parking area.

The Board may wish to consider these requests at the April 15 hearing in order to give the applicant direction on how to proceed with revision of the site plan. The request not to provide the 4-foot planting strips requires a formal waiver under Part I, Article 5 of the Site Plan Regulations.

- 6) At its March 25 meeting the Board approved engaging Horsley Witten Group (HW) to prepare an independent peer review of the applicant's Stormwater Management Report, with the costs of the study to be paid by CDA. A contract has been executed between the Town and HW, and I will authorize HW to begin work as soon as the Town receives the funds.

Respectfully submitted,

Rick Taintor, AICP
Community Planning Consultant
April 9, 2020