



PLANNING DEPARTMENT

Town of Durham

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MEMORANDUM

TO: Planning Board

FROM: Rick Taintor, Consulting Planner *RT.*

DATE: October 22, 2018

RE: Mill Plaza Redevelopment

At the October 10 Planning Board meeting, a member of the public and several Board members raised questions and concerns about the updated timeline, outlined in my October 5 memo, for the Board's review of the Mill Plaza redevelopment proposal. In particular, it was suggested (1) that the Board should postpone further review of the application until there was a final resolution of Colonial Durham Associates' negotiations with Hannaford regarding parking and other issues, and (2) that the Board should not accept a full plan revision later in the site plan review process but instead should vote up or down on the application submitted to the Board.

While the Board may take whatever approach in this matter that it feels is in the Town's best interest, I would recommend continuing with the approach discussed at the Board's June 27 meeting. At that meeting, Colonial Durham Associates outlined a preliminary timeline of monthly presentations and hearings that would lead to the submission of a complete major plan revision responding to concerns raised during the hearing process. The timeline outlines in my October 5 memo follows the same approach discussed with the Board in June, although delayed by about four months.

In my October 5 memo I stated the following,

It should be understood that the applicant's ongoing discussions with Hannaford may result in some modifications to the current site plan. However, CDA does not expect that these modifications will materially affect the types of issues that will be discussed with the Board over the coming months. Following the series of

presentations and hearings outlined above, the applicant intends to submit a full plan revision responding to both the Board's concerns and tenant negotiations.

[Emphasis added]

It appears that this statement has been misunderstood by some. For example, it was stated in the public comment period that the Hannaford negotiations have "led to a need for a major revision of the plan." However, I have had no indication that this is the case, and my sense is that the concerns raised by Hannaford relating to parking and circulation might be addressed by modest plan changes that may not have significant impacts on the key issues of concern to Board members, neighbors and Town residents, such as stormwater, wetlands, traffic and noise impacts. In fact, I anticipate that the Planning Board's review over the coming months will be much more consequential than the Hannaford negotiations in terms of changes to the site plan.

It is common practice for large, complex projects like this one to be reviewed in a two-phase process. After the formal application and initial site plan are submitted there is substantial commentary and discussion by the board, the staff, and the public, which ultimately calls for numerous changes to the plans. Rather than submitting these changes incrementally, the applicant typically waits until all issues have been covered and then asks that the review be continued out a month or more to allow time to address to all the identified issues. The applicant then submits a completely new set of plans incorporating those changes and identifying them on the plan or in a separate memo. This process facilitates the board's final review and process is far preferable to having the applicant submit modified plans or modified individual sheets of the plan set piecemeal in the course of the review.

Thus, regardless of the Hannaford issue, I continue to believe that it would be most useful to all concerned if the applicant were to submit a complete revised plan set after an initial round of public hearings. This complete plan revision would respond to all the concerns raised by the Board during the hearing process. Consolidating all revisions in a comprehensive site plan revision would be more transparent and less open to confusion than asking the Board to vote on the site plan with numerous conditions.

Finally, deferring further review until the applicant submits a new site plan addressing Hannaford's concerns will not be more efficient than continuing to review the current plan, but instead will add to the total number of public hearings that the Board holds on this matter. If the concern is to reduce the burden on residents having to review plans and attend hearings, it would be better to continue on the current path rather than to have to restart the process in a month or two with a new site plan.