



PLANNING DEPARTMENT

Town of Durham

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MEMORANDUM

TO: Planning Board

FROM: Rick Taintor, Consulting Planner *RT.*

DATE: November 5, 2018

RE: Mill Plaza Redevelopment

(1) Colonial Durham Associates' Response to Planning Board Concerns

As the Board requested at its October 24 meeting, I conveyed the following to Colonial Durham Associates:

- 1) Recommended that they view the DCAT recording where the Board discussed the process for reviewing the Mill Plaza project in the context of CDA's ongoing discussions with Hannaford.
- 2) Requested that they send a memo to the Planning Board addressing the concerns expressed by board members at the meeting.
- 3) Advised them to be prepared to discuss this issue on November 14 prior to any other discussion about the project.

In emails to me, CDA's counsel has indicated that the Mill Plaza project team will be prepared on the 14th to address the Planning Board's concerns as to the project status, and will try to reach a consensus with the Board as to the best path moving forward. Following that discussion, the project team will also be prepared to continue with the technical presentation of the proposal as previously proposed, if the Board determines that is appropriate.

(2) Concept Plan to Address Hannaford Concerns

In order to give the Board a sense of the site plan changes that are currently under consideration by the property owner and major tenant, CDA has provided the attached "Conceptual Site Plan" dated 9/14/2018. As you will note, the key changes in this concept plan are a realignment of the driveway in front of proposed Building B and along the side of proposed Building C, shifting Building B to the east and reducing the footprint of Building C. (To help in understanding the revisions, I have also attached a section of the original site plan showing the new concept plan overlaid in red.) CDA has developed this concept plan to address Hannaford's concerns regarding parking and circulation; however, it is important to emphasize that Hannaford has not yet given its endorsement to the revisions.

(3) CDA Concerns About Meeting Procedures

Colonial Durham Associates' counsel has expressed to me concerns about the Board's meeting procedures with respect to their application. First, CDA is concerned about comments made about the proposed project during the public comments section of the agenda when the application is not scheduled to be heard during the meeting, and about the addition of the application to the October 24 agenda without notice to the applicant. CDA's concern is that the applicant is not able to respond effectively if they are not aware that the application will be discussed by the public or considered by Board members at a meeting of the Board. CDA has also expressed a concern that the Town Planner participated in the discussion about the project at the October 24 meeting in spite of his recusal from this project.

I have responded to CDA's counsel regarding these concerns. On the matter of meeting procedure, I do not believe that it would be wise for the Board to further limit the topics that may be addressed during public comments, and I have suggested a couple of ways for the applicant to be able to respond to comments made at meetings when the application is not on the agenda. Regarding the Town Planner's participation at the October 24 meeting, this was essentially limited to a promise to convey the Board's request to me, and I think it would be unreasonable to withhold this type of routine assistance from the Board.

