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From: J. R. Smith [mailto:whalerock@smith-family.com]

Sent: Tuesday, June 09, 2020 11:37 AM

To: Michael Behrendt

Subject: June 10th public hearing Mill Plaza Redevelopment site plan and conditional use application

Dear Members of the Durham Planning Board (and former colleagues on that Board):

I hope one of you will do me the favor of reading the following comments into the record at tomorrow night's public hearing on Agenda item IX:

#### COMMENTS.

I am Julian Smith, a former Durham resident (1965 to 2015), a former member of the Durham Town Council (2005-2015) and of the the Durham Planning Board—and former vice chair of the Mill Plaza Study Committee.

On May 27th, April Talon, the Durham Town Engineer, sent you an email regarding the "Stormwater Peer Review" by the Horsley Witten Group (HW) of the 103 page "Stormwater Magagement Report" prepared by Tighe & Bond (T&B) for the applicants . Here is what she wrote: "I have reviewed the latest response from HW and I agree with their comments/findings."

Having reviewed the same May 26 document, I suggest that you ask the Town Engineer to take a closer look. On twenty-four occasions within that nine page document, the HW pro forma review of the Mill Plaza site plan and storm water management plan ends with "No further comment" when further comment could have and should have been provided.

For instance, on page 4, the HW response informs us that "The proposed development should not degrade the receiving waters" of College Brook. While I agree that the proposed development should not degrade College Brook, the TW review offers no evidence or assurance that the proposed development WILL NOT degrade College Brook.

In the next item on the same page, HW informs us that "The design of the storm water system will manage the storm water without flooding adjacent or downstream properties." That statement is clearly problematic. For starters, the "design" is something on paper. The "design" itself cannot and will not manage storm water or prevent flooding.

Finally, at the bottom of page 4, we are told that "The Applicant has clarified that College Brook flows to Mill Pond and stated that there are no restrictions that would cause the Brook to backup creating a flooding issue downstream. No further comment." Here is my comment: we already know that College Brook flows to Mill Pond—and although there MAY NOW be no "restrictions" that would cause College Brook to create a flooding issue downstream, any number of restrictions including falling trees and other debris might cause flooding UPSTREAM of those restrictions.

In other words, the Horsley Witten Group response to the Tighe and Bond report and to the T&B response to the earlier HW response to that report do not provide any credible assurance that the Tighe and Bond "Stormwater Management Report" can or should be relied upon by the Planning Board.

Sincerely,

Julian Smith  
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(Not that it matters, I still own property in Durham and may one day return to live out my final years within walking distance of the Plaza.)