

Mill Plaza redevelopment proposal faces town criticism

By Shawn Latulippe
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Durham redevelopment of the Mill Plaza proposed by Colonial Durham Associates (CDA) faced questions from the Durham Planning Board and several Durham residents for not abiding by a settlement which protects the wetland buffer near the College Brook.

The proposal to redevelop the Mill Plaza in Durham, N.H., where The Works and Hannaford are currently located, into off campus student housing is currently under review by the Durham Planning Board. The Durham Conservation Committee also weighed in on what developers will need to do to protect the wetland buffer in Mill Plaza.

The wetland buffer is put in place by the town to reduce adverse impacts to the wetland from adjacent developments, like the ones proposed in the Mill Plaza. This buffer is currently not being protected and the plaza owners bulldoze polluted snow into the wetland every year.

Durham resident Diane Chen, who has lived in Durham for nine years and used to work for a real estate investment company, said, "ultimately, they want to make money. And I appreciate that. But I think that there's a there's got to be a happy medium." She continued, "I would like to see the Hannaford store become a real hands on grocery store and move to the back end of the plaza." Chen also would like to see living facilities open to various Durham residents of all ages as opposed to strictly student housing.

Chen said the planning board has not been listening to the town's concerns about the project. "They claim to read the letters, but they could be sent in on a weekly basis, but they don't get any indication, at least in the meetings, that they're that they're reading the letters," Chen said. "And, you know, it's kind of an open secret that it's a very developer friendly planning board right now. And, and that, it doesn't matter how outlandish a proposal you have, if you bring it to the Durham planning board, they're going to go ahead with it. Because they want to broaden the tax base."

Durham resident and University of New Hampshire (UNH) professor emeritus Dennis Meadows said "Colonial Durham has zero, zero interest,

in the quality of life for the citizens of Durham. They want to make a high return on their money. Period."

Former Durham resident, planning board member, town council member and UNH professor Julian Smith said his advice to the town is "To hang tough. Do not allow the shopping center this commercial center of Durham to be turned into student housing. Too much of the town of Durham has been turned into student housing."

Smith said that CDA owner John Pinto, an investment banker from New York City, has been trying to build student apartments for about 19 years now. Smith also explained that the plaza has issues with not having enough parking spaces for customers currently because the owners have been making money by selling illegal parking spots every semester. To do this legally they would need to get a variance from the town.

Durham resident and UNH professor emeritus Joshua Meyrowitz has pointed to problems within the CDA's proposal to the council. One problem has been not disclosing to the public everything and not keeping the initial promise to protect the wetland buffer.

CDA needs the planning board to approve of a Conditional Use Permit in order to build the student apartments, which has two conditions related to the environmental resources. Community Planning Consultant Rick Taintor pointed out that Attorney Ari Pollack didn't mention the Conservation Commission's recommendation. Taintor suggested that the board review the Conservation Commission recommendations for CDA to make improvements, or enhancements.

At a meeting on Jan. 27, board member James Bubar said, "There was much discussion about invasives and the quality of the stream, but in the end, what was in the Motion was the restoration of the full 75-foot buffer. And, with the exception of the roadway entrance, deep enough through the wetland buffer to allow tractor-trailers to drive in and safely turn out of the buffer, the roadway was out of the buffer - in their mind. And they were very adamant about protecting, well, not really protecting, as much as restoring the buffer, because obviously there is no buffer there today, mostly, there may be 5 feet."

Pollack said regarding the

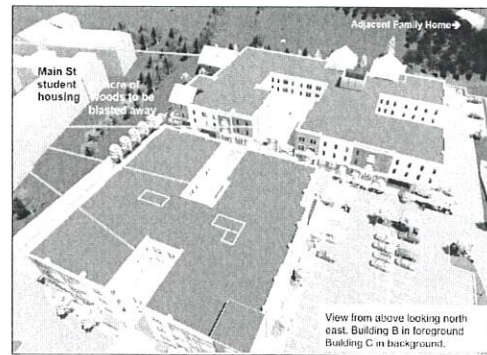
buffer, "We did our best to maximize pervious areas and landscaped areas in the parking field and therefore that has a consequence of spreading the site downward toward the Brook and made our, you know, it limited our ability to do additional restoration." This limited ability to do restoration is part of some of the Durham town critics of the redevelopment.

Tighe & Bond engineer for the project, Joe Persechino, explained that the proposal had a fully engineered stormwater system, which would provide the benefits of treating the stormwater from the runoff from the Mill Plaza.

Meyrowitz, who lives on Chesley Drive right near the plaza said that the stormwater treatment plan will not be enough to fix the previous damage done to the plaza during a 2002 illegal bulldozing of the eastern hillside. This bulldozing was done by the owners to try to create more parking spots in the plaza, but they bulldozed without the town's permission and were met with an order to stop bulldozing. Meyrowitz said this bulldozing has caused increased flooding in his home and the homes next door. The proposed stormwater system would collect the regular runoff from the site, but if there were larger storms it would not be built to hold a large excess of water.

Meadows said he suspects that there are many ways to earn a decent return on investment without building several hundred student departments. "What the citizens of Durham would like to see there, we would like to see some green space along the river and along the stream, so they don't push all this polluted snow in there. We would like to see some space where the community could come together," he explained. "I've lived in Durham for 30 years. When I first came here, the only real community space was the parking lot in front of the Mill Plaza you know, you go over to the shop and run into your friends and you end up spending 20 minutes in the parking lot talking. It would be nice to formalize that, have a place where you can sit down or get out of the weather and so forth."

Meadows said "I think we should hold them to our standards. And just because we didn't do it in the past, doesn't mean we should do it in the future. They did agree and the legal agreement to observe



Courtesy of Colonial Durham Associates.

some of our environmental requirements and now they're trying to back out of the deal." Currently there is no buffer on the wetland, which means a lot of snow from the plaza gets pushed into the wetland without a treatment method in place.

A Dec. 2015 legal settlement indicates, in section 1d: "The Revised Application will provide for proposed buildings and vehicular roads outside of the shoreland and wetland buffers such that variances from town ordinances are not required and the buffers are maintained by the property owner." And in section 1 f: "The Revised Application will have increased natural buffer along the southern property line adjacent to the College Brook; such buffer to be maintained by the property owner in perpetuity." An increased buffer would not simply maintain what is now there, but actually improve on it. However, CDA has not said they will increase the buffer, they only agreed to give more details on planned plantings and offered a \$25,000 contribution toward Brook restoration.

Chen, Meadows and Meyrowitz also discussed the future decrease in UNH students on the Durham campus. This means Durham will not actually need any more student apartments than it already has. Meadows acknowledged that students would probably like the location of the apartments so close to Main Street, but believes there will not be a need for them in the near future. Meadows said that Trump's efforts to remove foreigners from the country will also likely cause a drop in international students. Already, he said there is a drop in Chinese students at UNH currently.

A review of 629 schools by the National Student Clearinghouse Research Center found that as of Sept. 10 2020, undergraduate enrollment had fallen 2.5% across all types of higher education institutions, while total enrollment dropped 1.8%. While this could change once the pandemic ends, the trend could continue as more people choose to go to school in online formats.

Chen and Meadows noticed issues with the fiscal impact report that was presented to the planning board about what fiscal impact the housing would have on Durham. Meadows said that it was not an independent report, which does not mean that everything in it was false, but it should have been independent to ensure that the town's interests were put first. Meadows discussed the interests of CDA and explained that they are not in the town's interests.

At the meeting on Wednesday Feb. 24, town residents and the planning board brought up concerns about the future of Durham and the importance of having a 75 ft buffer protecting the brook.

Durham resident Deborah Hirsch Mayer brought up the point that the town of Durham is a much bigger entity in comparison to CDA. She said whatever is decided by the planning board needs to hold the town's future interests in mind. Mayer said, "We can have development in this town that is good for growth, that honors principles of sustainability and ecology that meets our regulations. It's possible to do that and that has to be at the forefront. What is good for the town of Durham now?" She explained that the values of the town are more important than "the needs of a for profit entity that would like to be part of that, but hasn't been listening to what the town needs and wants."

Regarding the parking spaces within the wetland buffer, Durham resident Beth Olshansky asked the board, "If we have 73 extra spaces, why can't we take 45 spaces out?"

Secretary of the planning board Richard Kelley voiced his concern that in the settlement agreement there is supposed to be an increase in the natural buffer, which is not in CDA's current proposal.

Kelley said, "I look at this diagram which would provide us with, with the before and after. And there's not an increase." He said he sees no reason why CDA couldn't increase the buffer.