

**To: Durham Planning Board / From: Joshua Meyrowitz, 7 Chesley Dr / Feb 9, 2022**

CDA's Sean McCauley and Ari Pollack have repeatedly claimed that the evolution of their site plans reflect input from their "community meetings." To set the record straight, please add to the public record for Mill Plaza review this report from community attendees at one of those meetings.

**Report to the Durham Planning Board & Town Planner  
Regarding the "Input" from "Members of the Public"  
to the Mill Plaza Planners on Saturday, [May 14, 2016](#)**

June 8, 2016

Members of the Planning Board  
Michael Behrendt, Town Planner  
8 Newmarket Road  
Durham, NH 03824

Dear Planning Board Members and Michael Behrendt,

We write to you as ten "members of the public" who were invited to meet with Steve Cecil, Emily Keys Innes, and Sean McCauley on Saturday, May 14, 2016, as mentioned in the "Submission of Conceptual Plan for Mill Plaza" cover memorandum to Michael Behrendt by Emily Keys Innes, dated May 25, 2016.

We were very pleased to have an opportunity for a small and informal gathering to "discuss possibilities for the site" and to provide input "about different options for siting the proposed uses," as noted in the just-mentioned cover memorandum. The meeting was extremely cordial, and there was general consensus among members of the community regarding optimum features for a redeveloped Plaza site.

Although we were clear at the meeting that such a small group of residents could not represent all the potential views from the larger community, we felt that we were focusing on issues that reflected broad consensus, as expressed in scores of letters, petitions, and comments at Public Hearings over many years.

At that May 14 meeting, we were shown and discussed TWO different general concepts for redeveloping the Plaza. We were told that Colonial Durham would be presenting BOTH concepts to the Planning Board for the Public Hearing on June 8, 2016. (We have more to say about the second concept later in this report.)

Sadly—and with some surprise after such a positive and optimistic meeting—we see that what the Cecil Group has submitted to the Planning Board largely disregards both our input and the best ideas expressed by all present.

Our community group's input and concerns clustered into ten sets of criteria that must be met for us to lend our support to a redevelopment plan. They were as follows:

## **1) Housing Location**

If housing (almost certainly, student housing) is to be included as part of a mixed-use site, it should—following both the December 14, 2015, settlement agreement (“the Settlement”) and the Conditional Use criteria for housing in the Central Business District—be concentrated on the Northern end of the Plaza (where Hannaford now sits).

## **2) Building-to-Building Siting**

Any new tall structures should be concentrated against the back of the existing tall structures that sit facing Main Street—where they would best fit into the existing building scape. (Indeed, there was general support for Steve Cecil’s idea of removing part of the ledge to facilitate this, if that was necessary.)

## **3) Keeping Structures in Scale**

We emphasized that there should be no large/tall housing structures close to the surrounding residential neighborhood. That would violate Conditional Use criteria for housing in the Central Business District. (*“External Impacts: ...In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.”*)

## **4) Protecting the Neighborhood**

Any structures near the neighborhood should be compatible with residential living.

Specifically, we emphasized that any new buildings near the adjacent neighborhood should entail activities that quiet down and darken at night (such as senior housing, workforce housing, medical offices, a hotel, etc.) and minimize the generation of trash (such as beer cans and bottles) so as not to disturb neighbors’ quiet and peaceful enjoyment of their homes and not to decrease their property values. (Again, see the Conditional Use criteria: *External Impacts: “... The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.... The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.”*)

In particular, we emphasized that no large cluster of student housing should be placed close to any of the pedestrian entrances to the neighborhood, with its marsh, College Brook Bridge, and wooded path to Faculty Road and Thompson Lane. A large student housing cluster would tempt college students to wander into the residential area even more than they do now. With that threat, such a design could prompt police interest in an expanded, and environmentally damaging, back entrance to the Plaza.

At the same time, our group thought that the community might be open to considering structures that might require variances *if, and only if*, the uses of the structures were compatible with the adjacent properties. For example, we expressed openness to a suggestion from the Cecil Group regarding possible first-level “townhouse-style” residences—if it were for senior housing.

## **5) Child/Adult Pedestrian Safety**

Safe and comfortable pedestrian passage into and through the plaza should be assured. We emphasized *through*, not just *around*, the plaza.

Vehicular and pedestrian traffic should be isolated from each other. In keeping with past public input, schoolchildren should not have to pass alongside or through student housing, for reasons cited in letters posted on the Town’s website. (For decades, schoolchildren from throughout the Faculty Neighborhood have passed over the wooded path and bridge and through the Chesley Marsh path into the Plaza and up toward the Post Office to get to school.)

## **6) Pocket Parks**

The green space with mature trees adjacent to The Works Bakery Cafe is highly valued by the community. We asked that it be preserved and improved with an enhanced connection to the sitting area next to the Pauly’s Pocket building (Bicentennial Park) and to the Memorial Park island.

We asked, furthermore, that additional green and shaded areas be established for sitting and eating (such as for a restored ice-cream window and potential bakery). And, indeed, Steve Cecil indicated that he favored adding such green spaces throughout the Plaza. And one can note that the Plaza’s own prior plans from 2015 and 2016, posted on the Town’s website, feature such areas.

At the May 14 meeting, the Cecil Group acknowledged that rather than extend a downtown streetscape along Mill Road, there was good reason to see the Mill Road Plaza frontage as an important transition to the residential neighborhood to the south. For that reason, they noted, the grass and row of mature trees on Mill Road should also remain intact, an idea that we community members supported.

## **7) Parking**

Members of the group made it clear that maintaining the Plaza as a community resource depends on designating the maximum number of parking spaces for the use of business patrons. Without adequate parking for patrons, some members of the community have stated that they would simply stop shopping at the Plaza.

Sean McCauley stated that Michael Behrendt had asked that the redevelopment include 0.5 parking spaces per residential unit. The 0.5 spaces per unit was challenged by members of the group, citing two recent examples of successful downtown student housing projects for which

the Planning Board waived 100% of the parking requirements for the student residential units. (Mr. Behrendt subsequently refuted Mr. McCauley's claim to one of us in private.)

Eliminating onsite residential student parking would encourage a more walkable downtown with less vehicular congestion, which has been a stated goal of our Town Council and of long-term Town planning efforts. Many members of the May 14 group noted that the community would be better served if the Plaza, specifically, were more pedestrian-friendly, which would include having fewer, not more, cars coming in and out. (As the 2015 Master Plan states, p. 11, LU-6, the desired "high quality and attractive redevelopment efforts of Mill Plaza" would "ensure safe, convenient and welcoming crosswalks, sidewalks, alleyways and paths for non-vehicular traffic.")

## **8) College Brook & Stormwater**

We urged that the buffer with College Brook be restored, enhanced, and maintained (as stipulated in the Settlement, Clause 1.f, regarding an "increased natural buffer" along the Brook), and we heartily endorsed Steve Cecil's stated goal of attempting more creative integration of the Brook with the uses of the site. We also mentioned that careful attention should be paid to snow removal procedures and stormwater runoff (with consideration of permeable pavement and rooftop gardens).

## **9) View from Faculty Road & Brookside Common Residences**

We argued that any plan should be mindful of the view onto the Plaza by the residents of Faculty Road and Brookside Commons. The higher elevation of Faculty Road creates a view down to the Plaza, which would suggest particular attention be paid to signage, lighting, and rooftop appearances, including, perhaps, landscaped rooftops. Similar attention needs to be paid to the view from Brookside Commons residences (which are adjacent to the Plaza, across College Brook).

## **10) Coordination with Other Main Street Development & Overall Town Fiscal Health**

Additionally, members of our group mentioned the wisdom of coordinating any plans for Plaza development with the evolving plans for redevelopment of the former ATO fraternity site at 66 Main Street. We also reminded the design team that Conditional Use criteria require evaluating the fiscal impact on the Town of any Conditional Use housing. For example, a negative impact might occur as a result of declining tax value of other town properties, including adjacent single-family homes and other student housing developments (which might lose economic viability from vacancies due to oversaturation of the student-rental market).

## **THE MISSING SECOND CONCEPT**

Given the above concerns and criteria, the most exciting parts of our May 14 meeting focused on the second concept that the Cecil Group shared with us, a concept that we were told would also be submitted to the Town. It would relocate Hannaford to a new building parallel to and set back from Mill Road and that would be topped by a floor of office/commercial space. In

addition, this concept could locate at least 75 of the residential units to the northern area of the site (in keeping with the Settlement) parallel to Main Street, where Hannaford currently sits. This new commercial/residential building would have first floor retail and two or more stories of residential units.

That second concept was refreshingly responsive to prior public input including comments made by a number of community members at earlier Public Hearings. That plan would also maximize the potential for meeting the criteria we discussed at the meeting. We were also excited to hear Steve Cecil emphasize that the Cecil Group had recently merged with the architectural firm for Hannaford's stores.

We were told that discussions regarding Hannaford's move to a new building had been in progress, and although Hannaford had not yet agreed to such a move, it had also not yet said "no." (Community members then suggested that the Plaza owners offer incentives to Hannaford to agree to the move to a new building facing Mill Road to make attainable the larger and longer-term goal of a finely redeveloped Plaza. We also noted that, in addition to solving so many other redevelopment issues, a new supermarket building would offer Hannaford a more visually prominent and dominant spot in an aesthetically pleasing Town center.)

We are disappointed that this second concept has not been presented to the Planning Board for consideration at the June 8, 2016 Public Hearing, as we were led to believe it would be.

Instead, only one plan—labeled "Scheme A"—has been submitted, and it is deficient in many ways.

### **Comments on the submitted plan**

The submitted concept violates just about every criterion discussed at our citizens' meeting.

1) It has a massive five-story housing complex pushed up near a well-used pedestrian entrance to the adjacent Faculty Neighborhood, a neighborhood comprised of single- and two-story homes. Placing housing at this location is contrary to the Settlement and also violates Conditional Use criteria for housing in the Central Business District. The proposed structure also has large outdoor decks over ground-level parking, decks that face into the neighborhood and would likely become the sites for loud student parties.

2) The plan has the pedestrian paths through the Plaza (including those to be used by schoolchildren) passing alongside student housing.

3) In addition, we note that a loading dock at the southern edge of the "18k x 2 Commercial" building is shown on the recently submitted Concept Plan. Delivery loading and unloading are noisy activities and should occur away from residential areas. The small number of trees shown on the plan will not block those sounds.

4) The current scheme destroys the only park-like area next to the Works Bakery Café and adds no significant new green spaces. And no increased Brook protection or buffer is indicated in violation of the Settlement.

5) The submitted plan leaves the ugliest and least-improved building (with Hannaford/Rite Aid) in place.

6) Although community members at the May 14 meeting favored waiving 100% of the residential parking requirement for any housing in the Plaza, we now see that, with the current submitted plan, even more parking spaces for occupants of the residential units have been added, moving from a calculation of 0.5 spaces per *unit* to 0.5 per spaces per *occupant*.

***In short, this redevelopment plan, if accepted, would eliminate the possibility of any meaningful development of this central and essential “town center” for the foreseeable future.***

## **Conclusion**

In summary, we, the undersigned attendees of the May 14 meeting, do not believe that this new plan reflects the interests and wishes of the community as conveyed over many years, including in the 2008 Mill Plaza Study report and in the scores of resident letters, petitions, and public comments at Town meetings. The plan certainly does not reflect our input at the recent meeting referenced in the Cecil Group’s cover memorandum.

The current concept violates Durham’s zoning ordinances, fails to meet Conditional Use criteria for housing in the Central Business District, and is not consistent with the Settlement Agreement. Ironically, the current plan also drops all pretenses in prior Plaza plans of creating what they called a “Durham Village Center.” (See, for example, the pages of “inspiration” photos in both the 2015 and 2016 plans posted on the Town’s website.)

We continue to hope for an imaginative plan for a positive redevelopment of the Plaza, which is a major Town resource.

Sincerely,

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