

How Colonial Durham's 2020 [Site Plan](#) *fails to meet*

Town of Durham **[ARCHITECTURAL DESIGN STANDARDS](#)**

Joshua Meyrowitz, 7 Chesley Drive, Durham, NH
(Mill Plaza Abutter & "Party in Interest" per [NH Municipal Org](#) definitions)

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Enhanced version of "Public Comment" at the July 22, 2020, Planning Board meeting.
Underlined color text indicates a hot link.

Town of Durham

ARCHITECTURAL DESIGN STANDARDS

Appendix to the Durham Site Plan Regulations

Part III – Development Standards, Article 2 - Architectural Design Standards

“Purpose.... Provide for **high-quality, human-scale architecture that conforms with generally accepted traditional design principles and is **sensitive to neighboring buildings, streetscapes, the broader setting, and our natural and cultural resources....**” (p. 2)**

* * *

Same Plan, Different Criteria for Analysis: *If it were up to me, I would be discussing a different Plaza site plan here, but CDA’s Site Plan #9 is the only one that we have before us in 2020. This document, however, marks the first time that I address that Site Plan in terms of prime concerns of the Town of Durham Architectural Design Standards, “required as part of Site Plan Review” for the Mill Plaza (p. 3). Not only are the Town’s design standards not something I had previously discussed but – as was revealed at the July 22, 2020, Planning Board Meeting – they are not something CDA addressed in presenting its [architectural design](#) that day.*

Although the unique focus here is on the Town of Durham Architectural Standards, I do repeat the point about the Board not yet asking CDA for basic site-plan info, because the absence of that core information stunts a thorough assessment on every key review criterion, including the Design Standards. — j m

I am not an expert on the details of Architectural Design, and I certainly encourage the Planning Board to **hire an “independent design professional,”** per p. 2 of Rick Taintor [Planner's Review 7-22-20](#), to review the proposal.

Expert input, combined with CDA's planner's and architects' professionalism, could no doubt lead to a **better fusion with the micro-level guidelines for window design and proportions, color board, building materials, and so on.**

But that would still be missing the forest for the trees, because....

The macro-level mismatch between the site plan and the Town's design standards is profound and unsolvable – *except with major redesign and reduction in scale, as Town residents have repeatedly been requesting.*

Town of Durham

ARCHITECTURAL DESIGN STANDARDS

Sample COMPLIANCE CHECKLIST Used for this Presentation – With 20+ Key Elements

- | | |
|--|--|
| <input type="checkbox"/> Human-Scale Architecture | <input type="checkbox"/> Design Strengthens Commercial Vitality |
| <input type="checkbox"/> Sensitivity to Neighboring Buildings | <input type="checkbox"/> A Pedestrian/Bicyclist-Oriented Destination |
| <input type="checkbox"/> Sensitivity to Broader Setting(s) | <input type="checkbox"/> Maintains Feel of “Small Town” |
| <input type="checkbox"/> Sensitivity to Natural Resources | <input type="checkbox"/> Precise Elevations Drawn to Scale |
| <input type="checkbox"/> Sensitivity to Cultural Resources | <input type="checkbox"/> Fully Factual/Honest Developer Claims |
| <input type="checkbox"/> Respectful of Place & Context | <input type="checkbox"/> Consistent Claims/Information Provided |
| <input type="checkbox"/> Respectful of Traditional Designs | <input type="checkbox"/> Reveals Concern for Site Beauty/Safety |
| <input type="checkbox"/> Max of 1.5-Story Height Variation | <input type="checkbox"/> Core Site Info Needed for Evaluation Provided |
| <input type="checkbox"/> No Large Building Masses | <input type="checkbox"/> Public’s Q’s/Input Addressed/Respected |
| <input type="checkbox"/> Matches Standards’ “Appropriate” Examples | <input type="checkbox"/> “Inspired” Plan Proudly Displayed on Site |
| <input type="checkbox"/> No Blank Walls Stifling Pedestrian Vitality | <input type="checkbox"/> <i>Board has held developer to account on above</i> |

Even an amateur can see mismatches between CDA renderings and spirit and intent of the architectural standards **“to produce beautiful structures, respectful of place, context, and tradition....”**

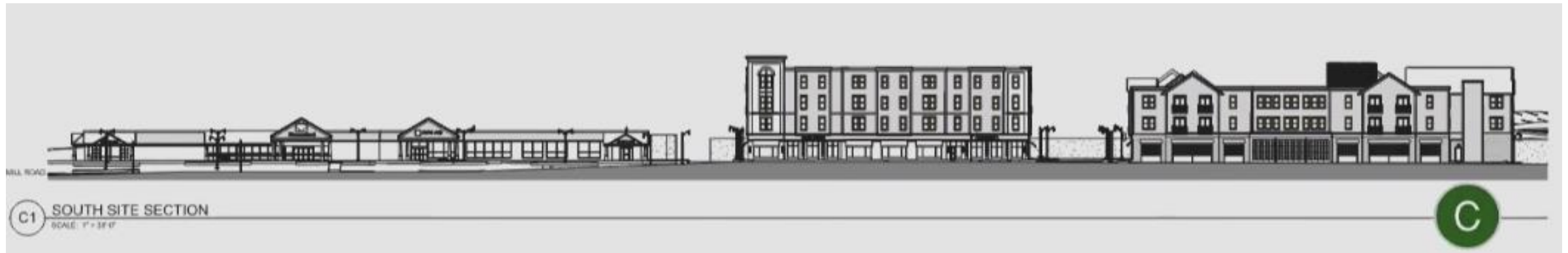


Instead, the proposed buildings are very boring, blockish, massive, synthetic, tacky-looking, “dropped in from Mars,” and disrespectful of place, of social and natural context, and of Durham tradition.



Incoherent style mixes; oversized for site; inauthentic “faux balconies”

Variation in heights. Some variation in building height within a block is desirable to help break up the *mass* of the block and to create variety and interest; generally, however, **there shall not be more than a one- or 1-1/2 story difference in height between adjacent buildings in order to maintain continuity along the streetscape.** This limitation does not apply when the adjacent building is one story.* (p. 19)



Harriman Architects indicate that they would reduce the stark height discrepancy by adding a façade and roof that would make Building A appear to be a 1.5-story building. To follow the Town of Durham Architectural Standards, therefore, Building B should be limited to a 3-story or less building.

**Note: The exception regarding adjacent buildings that are one story was added because it was assumed that one-story buildings in Durham's downtown would soon be redeveloped into 2-stories or more. Yet, in this case, CDA indicates that Building A is to remain as a 1.5-story façade-enhanced building for the foreseeable future (with added half-story façade and roofing). Again, that means that Building B, according to the Design Standards must not be taller than 3 stories.*

“Smaller masses.” Especially large structures shall be broken into smaller masses, or even made to appear to be separate buildings, in order to provide human scale, variation, and depth. These smaller masses shall have a strong relationship to one another and each smaller mass shall have integrity of form....” (p. 14)



Proposed Building B: An “especially large structure” out of “human scale”

Appropriate



Inappropriate



**Examples
provided in
*Architectural
Standards*, p. 14**

Appropriate



Proposed Building C



Inappropriate



Most resembles those on left or right?

“Provide for...human-scale architecture” (p. 2)



**CDA's Retaining Wall is triple the height of a 52-inch tall school child.
Moreover, the whole building is intimidatingly massive.**



**GDR (German Dem. Republic)
Berlin Wall was 11.8 ft tall avg**



**Colonial Durham (CDA)
Wall 13 feet tall**

“Blank walls stifle pedestrian vitality by creating visually dead space.” (p. 25)

“Strengthen commercial vitality and promote the downtown as a welcoming, pedestrian and bicyclist-oriented destination, while maintaining the feel of a small town that is important to Durham residents.” (p.2)



Building C looks like a PRISON:

- ❖ ***It is not*** something that strengthens “commercial vitality”
- ❖ ***It is not*** something that provides a “welcoming, pedestrian & bicyclist-oriented destination”
- ❖ ***Not*** something that maintains “feel of a small town”

Enhancing threat of “virtuous-to-vicious” cycle that [Dennis Meadows](#) warns of?



Would *out-of-human* scale architecture like this (and worse) fit

- ❖ Adjacent to Senior Citizen condos at Brookside Commons?
- ❖ Next to Faculty Neighborhood single-family homes?
- ❖ Along Neighborhood schoolchildren's walking route to school?

Madbury Commons

Not adjacent to family neighborhood



Proposed Plaza Building C



Building C's 13' retaining wall would be even taller than Madbury Commons' 11.5' first story.

Moreover, Building C would have a tempting deck from which to hurl words and throw objects.



“Broader Setting” for Building C – *to which acceptable architecture must be sensitive.*



“Provide...human-scale architecture that...is sensitive to...the broader setting, and our natural and cultural resources.” (p. 2)



“Provide...human-scale architecture that...is sensitive to...the broader setting and our natural and cultural resources.” (p. 2)



Year-Round Setting for Bldg C

Towering Bldg C will come at least 250' closer to this setting than current one-story Bldg 2



Is this “human-scale architecture...sensitive to...the broader setting”?



“promote the downtown as a welcoming, pedestrian and bicyclist-oriented destination, while maintaining the feel of a small town that is important to Durham residents.” (p. 3) **Does Building C do that?**

“architecture that...is sensitive to...our natural...resources.”



Saving this hillside “is a holistic way to provide environmental benefits...improved air and water quality and energy conservation in nearby buildings.... [T]his small urban forest is in a prominent location that provides a valuable visual buffer between the downtown commercial and residential areas.”

– John Parry, USDA Urban Forestry Specialist, [Letter to PB, June 8, 2020](#)

It's easy to understand why *CDA's team* has tried to hide basic information about proposed-over-existing structures, cubic feet of wooded hillside to be destroyed, buffers, proximity to adjacent properties and the Chesley Marsh, and so on.

But why has the Planning Board, representing the people of Durham – after eight months of explicit and persistent resident requests – not yet required CDA to provide basic information essential for *all* aspects of site-plan review, including assessment in terms of Durham's Architectural Design Standards?

– *Contract Planner Rick Taintor's reply email to Joshua Meyrowitz, June 5, 2020*

“Both...[[Robert Russell 4-23-20](#) and [Robin Mower 5-13-20](#)] emails (and many others) have been forwarded to the Planning Board members, but as of yet **the Board has not called on the applicant to provide any of the [resident] requested additional information.** I do not know if the members feel that they have enough information, or if they are waiting until they've gone through the review once and will ask for more details to be provided with the next complete plan revision.”

Information critical for Architectural Review that Planning Board has not required from CDA

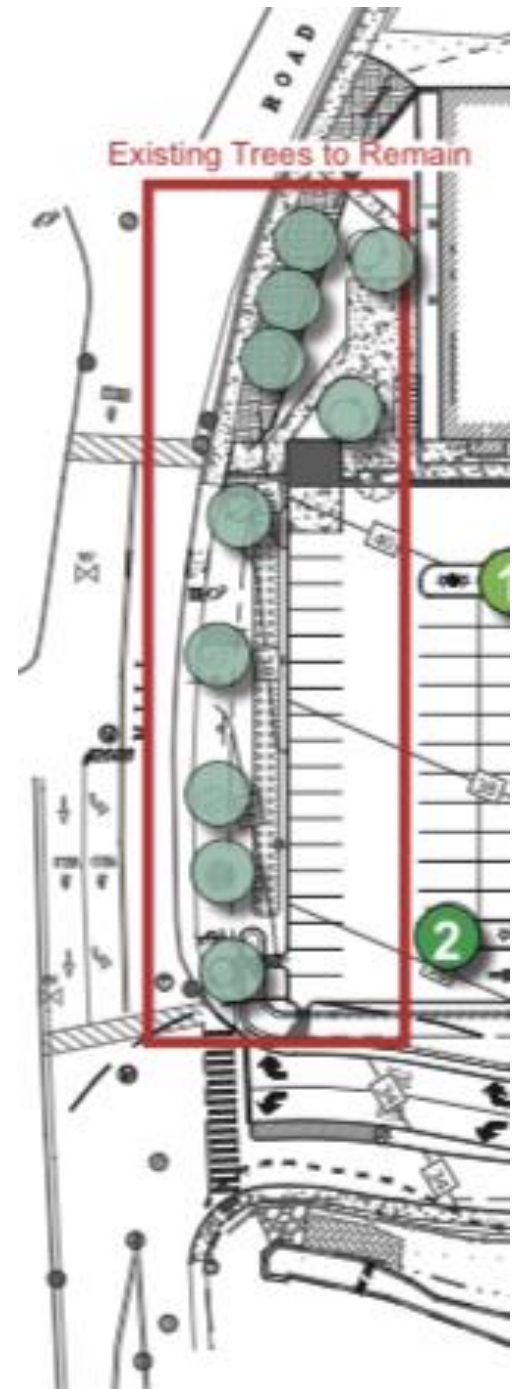
despite months of oral & written appeals from multiple Town residents

- Image of what CDA is proposing superimposed over what currently exists on the ground;
- Detailed topo map of entire proposed project (and surrounding properties), including all proposed structures, parking areas, walls, etc., that can be compared with a detailed topo map of the current Mill Plaza site;
- Color renderings including surrounding buildings/properties to portray accurate views from & toward Plaza;
- Height, width, tonnage, cubic feet, and geological composition (gravel, sand, clay, ledge?) of hillside to be removed. Estimated cost of this (to CDA & to abutters whose buildings, foundations, views may be damaged by blasting)?
- Height, thickness, & structural composition of possible retaining walls along Northern & Eastern boundaries? How will they and associated stormwater runoff be maintained/managed? How will emergency vehicle access be achieved?
- How close to the Plaza property boundaries would proposed buildings and retaining walls be?
- Difference (in feet) between the tops of the roofs in proposed building C and the ground-level edge of the proposed retaining wall at the point that wall is closest to the footpath into the Plaza from the Chesley Marsh;
- Height of Bldg C above ground at highest point, compared with height above ground at highest point of current Bldg 2;
- How many feet closer to the College Brook Bridge (from Faculty road to the Chesley Marsh and the footpath into the Plaza) will Building C be than the current Building Two is?



*Per Colonial Durham's
"Tree Plantings" diagram, an
"Existing Tree to Remain"*

Why has the Planning Board hesitated to confront the long and persistent pattern of CDA obfuscations, inconsistencies, and misleading statements and illustrations?



“applicants shall submit.... Precise elevation drawings drawn to scale” (p. 4)

CDA has presented to the Planning Board and public wildly different projections and scales of the same buildings at different times to suit CDA’s “argument of the moment.”



Do any of the images that we have been shown convey an accurate image of what is actually being proposed for this small, narrow property?

On July 22, 2020, CDA misrepresented the *features* and *scale* of Building C by darkening the retaining wall to the color of the landscaping soil and showing a pedestrian who appears to be taller than a 13-foot wall (& about 4x height of the barely visible bicycle rider on the deck over the wall).



How can one assess “human scale” required by Town’s standards, when “humans” shown are giants?

Perhaps embarrassed with [public mentions & pictures](#) of long-dead (for decades!) trees, CDA uprooted and clustered them at rear of the lot at start of July 2020.

But beauty and public safety do not seem to be CDA's prime goals, as is evident from deep and dangerous empty pits that were there for four weeks.*



*The Plaza manager and staff planted new trees in the emptied pits on July 31 2020.

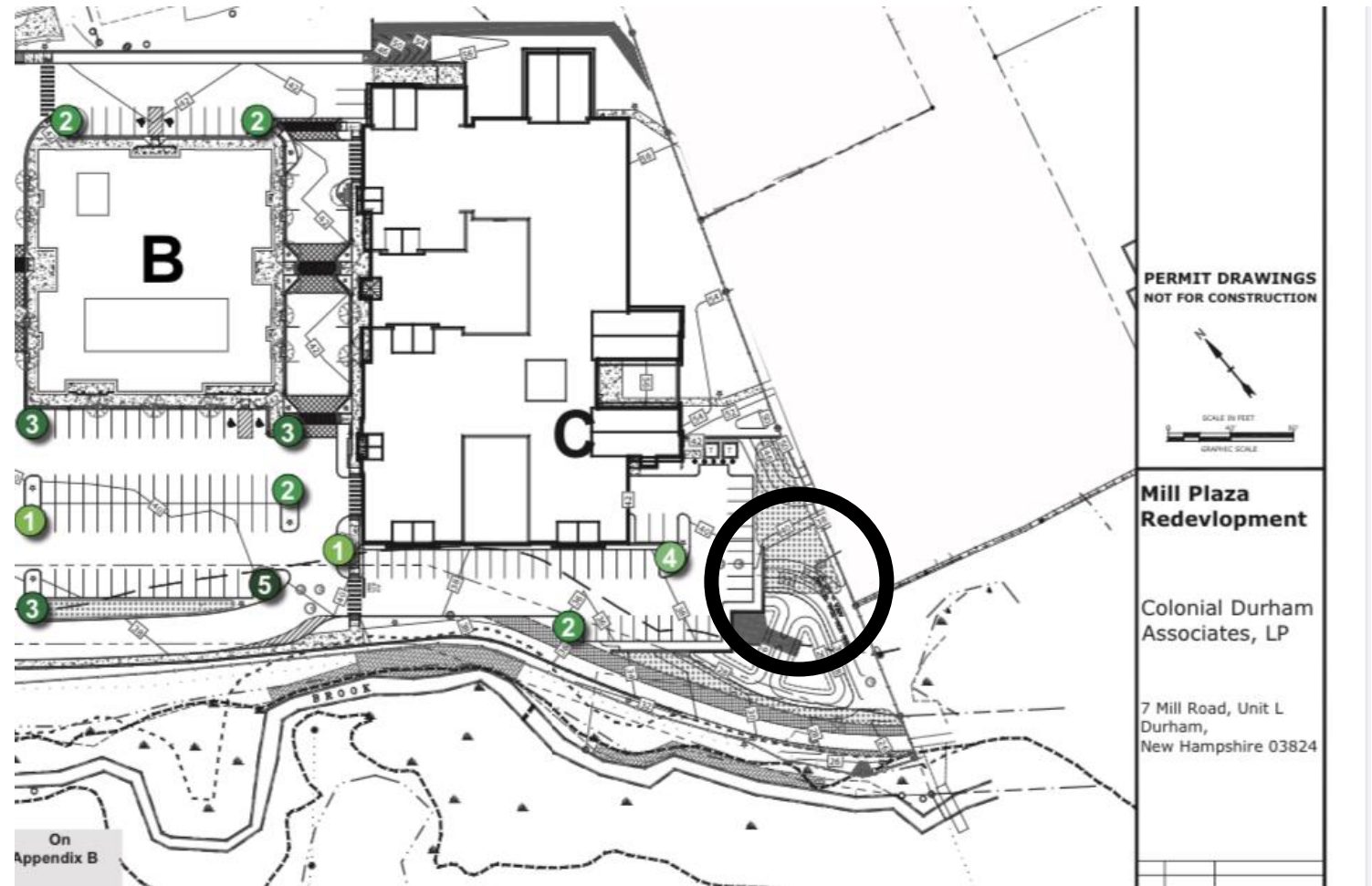
The architectural standard call for sensitivity to “neighboring buildings” and to “natural resources.” But where is the evidence of the **“extensive” & “enhanced” & “increased” landscape buffers *on all 4 sides* to shield** proposed massive buildings, as described in CDA’s appraiser Brian White’s [opinion letter](#)? (pp. 2, 5)

CDA’s claim – off-base for *all* four sides of site – is particularly absurd where the dense, natural buffer between Plaza and Orion buildings is fated for destruction.



CDA's June 16 2020 [Tree Plantings Diagram](#) appears to show a retaining wall for Bldg C within 50 feet of the Church Hill/Chesley Marsh side boundary of the site, significantly *reducing* existing natural buffer – and coming 250' or more closer to adjacent properties than any current raised structure.

(But, again, the public has been stonewalled for months on queries about the specifics of the siting of structures to be added and the pervious areas to be destroyed.)



“Side setbacks shall be harmonious with those of neighboring structures - recognizing that some variation in spacing is appropriate based upon the scale, mass, and form of the ensemble of buildings – to create a pleasing, balanced rhythm.” (p. 13)

One of dozens of inconsistent statements:

CDA Appraiser [Brian White](#), June 17, 2020:
“The central HVAC would greatly **reduce the need to open windows** which largely keeps the noise within the building.” (p. 4)

CDA Architect Sharon Ames: “With the residential spaces...we have the double-hung windows and we have areas with Juliette balconies.... a feature that it’s...only a projection of less than 4 inches. It’s not intended to have actual access to. But it **allows the occupant to maybe open the door a fuller width and have more natural ventilation.**”

[July 22, 2020, Planning Board meeting](#) (1:32:25)



Why does the Planning Board so often leave it to residents to push back on nonsensical CDA pronouncements regarding site design?

Emily Innes, January 22, 2020: “as you travel from Main Street down Mill Plaza, you’re really transitioning from that downtown, more clustered environment, to the neighborhood. **We see our site as that transition.**”



[Robin Mower](#), July 21, 2020: “How can an expansive rectilinear parking lot and massive, rectangular buildings, with no softening curves in view and with minimal landscaping and no inviting pedestrian areas ever be considered a transition between downtown and a family neighborhood?”

On April 15, 2020, CDA's representatives made the implausible claim that they did not know the width of the existing parking lot islands, leaving the false impression that their proposed 6' islands were the same size as the existing 10' islands.

Board Member 1: "The areas you have in the middle of the parking lot that are six feet wide. Do you know how that compares to the width of the existing places they have there now, in the existing parking lot, as far as width is concerned?"

CDA's Planner Emily Innes: "These vertical strips in the plan here, for the ones that are creating those divisions? Ah, I do not know the answer to that. I don't know the precise measurement."

Member 1: "Six feet for tree planting, given the experience we have in that lot, I think that maybe would be difficult. But, I guess that's just a comment; I can't say it won't work."

Member 2: "I would say the existing is less than six feet now."

Member 1: "It certainly doesn't work. Whatever it is; it doesn't work."

Again, it was left to residents in oral and written comments to provide the correct information about the existing *ten-foot* wide islands.



[April 15 2020 PB Meeting](#) 1:39:30+



Would not developers *proud of their architectural design & landscaping*

- advertise the Public Hearings for site plan review in a *prominent location on Mill Plaza property,*
- with sturdy, visible signs *[see right→]*
- with the actual hearing dates, and
- with *pictures of promised redevelopment—as inspired by, and conforming with, Durham’s Design Standards?*



To repeat, even an amateur can see mismatches between CDA renderings and spirit and intent of Durham's Architectural Standards **“to produce beautiful structures, respectful of place, context, and tradition....”**

Instead, proposed buildings are very boring, blockish, massive, inauthentic, tacky-looking, “dropped in from Mars,” disrespectful of place, social & natural context, and Durham tradition. *Public input has been ignored.*

“Building designs which: a) are indifferent to the defining features of our town and to surrounding context; b) do not consider the quality of the pedestrian environment; c) introduce design elements which are incompatible with our traditional character... harm our community, depress property values, and degrade our quality of life.” (p. 2)

An independent Professional Design Reviewer could further inform the Planning Board on specifics, but ***the global mismatches are glaring.***

*Durham is the rare town that has worked to collaboratively establish **required** design standards. A proposal that does not meet them must be denied.*

Moreover, history tells us that the Plaza owners have never exhibited any sustained interest in the **beauty, safety, or site-plan compliance** of the Plaza.

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Sample COMPLIANCE CHECKLIST Used for this Presentation – With 20+ Key Elements

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Note: This document on how poorly CDA's site plan matches prime requirements of Durham's **Architectural Design Standards** is quite distinct from my earlier 2020 PowerPoint presentations to the Planning Board:

- ❖ **May 27 2020** – “[Planning for a ‘Post-Enrollment Cliff’ Durham](#)” — In contrast to Durham's excellent short-term response to Covid-19 and impressive long-term preparation for climate changes, the Town Council and Planning Board have not paid close enough attention to *decades* of warnings about a significant demographically driven drop in enrollments in Northeast colleges beginning in 2025, with UNH likely to be hit harder than most, leading to thousands fewer UNH students in Durham (apart from the pandemic).
- ❖ **Jun 10 2020** – “[CDA Destroying Pervious Land & Deceptive on College Brook Flooding](#)” — The dense, natural landscape behind Building Two and College Brook are part of a single stormwater ecosystem. After years of CDA promising to *reduce* impervious surfaces in the Plaza and years of Town officials vowing that *any* Plaza redevelopment would stop the significant and frequent Brook flooding downstream, CDA proposes increasing impervious surfaces with hillside destruction and also misinformed stormwater plan reviewer that College Brook does not flood its banks in its flow to the Mill Pond. Both CDA and Town officials have abandoned their promises.
- ❖ **June 17 2020** – “[Mill Plaza: As Long-Required vs. As Has Been and As Still Could Be](#)” — Although CDA has been basing waiver requests by claiming “grandfathering” for “existing” features of the Plaza, this presentation details how the Plaza has no grandfathering protection because of long-term flagrant violations (see also the Contract Planner's [June 8 2020 memo](#) on “grandfathering” rules). Quotes from 52 years of planning documents are contrasted with facts about, and visuals of, the Plaza. I also use CDA's own 2015 “inspiration photos” for a “Durham Village Center” to show how dazzling a community site the Plaza *could* be, thus gaining wide public support. Finally, I document how the Plaza is currently in violation even of the ongoing Review Application requirements.
- ❖ **June 24 2020** – “[White Appraisal \(WA\): Quotes, Questions, & Corrections](#)” — WA wrongly takes Plaza as “subject property” vs. focusing on adjacent neighborhood, for which Plaza has long been housing-free buffer from mass student life. Absurd claims made: soft student voices, dorm windows unopened because of HVAC, Durham's safety ranking means quiet students, new façade upgrades old building's condition. WA sidesteps relevant Master Plan precepts & zoning requirements, uses misleading pictures and makes uninformed assumptions about knowledge/views of owners of the only 2 houses evaluated. WA ignores extended hours of noise/light beyond current nighttime closing of site and disregards impact of new multi-story dorm buildings hundreds of feet closer to single-family homes than Main Street buildings. WA even posits that proposed dorms are better than businesses focusing on sex, drugs, hazardous waste, & explosives.

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Enhanced version of "Public Comment" at July 22, 2020, Planning Board meeting.

My rights as a “Party in Interest”: I am only one of hundreds of Durham residents, including other direct abutters, who will be significantly impacted by Colonial Durham Associate’s (CDA’s) plans for the Mill Plaza. Yet CDA’s proposed massive additions would come closer to structures on my property than to any other residential property. That status appears to defines me as a “party in interest,” per the NH Municipal Association. — *j m*

Running a Smooth Public Hearing

Time Limits and Repetitive Comments

*Reasonable time limits on each person’s comments might be imposed, but they should be different depending upon the type of meeting or hearing involved.... **However, when there are specific parties in interest at a public hearing...time limits should be used sparingly and should be considerably longer.** A party in interest is one whose property rights are at issue, and limitations on that party's ability to speak should be imposed only if necessary....*

It is inadvisable to limit people to speaking only once. A limit of twice may be acceptable, although there are no clear answers from the court.