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January 2, 2020

Paul Rasmussen, Chair
Durham Planning Board
8 Newmarket Road
Durham, NH 03824-2898

Re: Application for Conditional Use Permit - Mill Plaza, Drive Through Facility Accessory to a Financial Institution

Dear Chairman Rasmussen:

This firm represents Colonial Durham Associates, LP ("Applicant") regarding its proposed redevelopment of the Mill Plaza. As part of the proposed redevelopment, Applicant has filed herewith a Conditional Use Application seeking a conditional use permit from Article XII.1, Section 175-53, VIII of the Durham Zoning Ordinance to pursue "Drive Through Facility Accessory to a Financial Institution". The proposed drive-through is a common component of most financial institutions, which itself is a "permitted" use in the Central Business District (CBD) and an important use within the larger redevelopment proposal.

The criterion set forth in Article VII, Section 175-23, C, specifically criterion C.1 through C.8, are addressed below.

1. Site suitability. The ten (10) acre subject site is suitable for a financial institution in that it is a commonly-proposed use in mixed-use and commercial redevelopment. An accessory drive-through is equally commonplace for such institutions.
2. External impacts. Potential impacts from the proposed financial institution drive through, such as headlight glare, noise, hours of operation, and exterior lighting, compare similarly or even favorably in the redevelopment scenario versus the existing condition. The proposed site plan offers enhanced landscaping and protection for conservation buffers, as well as landscaped screening to reduce headlight glare. Also, the substantial distance of the drive through from the

residences within the Chesley Drive and Faculty Road neighborhoods mitigates any perceived impacts.

3. Character of the site development. As an existing commercial shopping center in the CBD, a drive through accessory to a financial institution presently exists. The proposed redevelopment allows for an orderly reconfiguration of existing and new uses while mitigating for perceived impacts.
4. Character of the buildings and structures. The design of the drive through is consistent with other elements of the redevelopment proposal and is placed to mitigate impacts.
5. Preservation of natural, cultural, historic, and scenic resources. The placement of the drive through will not have material impact in terms of natural, cultural, historic, and scenic resources.
6. Impact on property values. Applicant will offer the testimony of a licensed appraiser to demonstrate the proposed inclusion of a drive through accessory to a financial institution will NOT "cause or contribute to a significant decline in property values of adjacent properties." See Section 175-23, C, 6 (emphasis added). Main Street properties will be complimented by the expansion and enhancement of additional mixed-use opportunities, including those associated with a financial institution, while nearby residential properties are either sufficiently screened or too distant to suffer significant impacts.
7. Availability of Public Services & Facilities. Public services and facilities are not directly applicable to the drive through proposal, but the redevelopment site as a whole is served by municipal drinking water and sewer, both of which have sufficient capacity to service the proposed uses and densities. See Application for Site Plan Review.
8. Fiscal impacts. The proposed drive through use will NOT have a negative impact upon the Town's financial resources. See Section 175-23, C, 8. To the contrary, Applicant has commissioned a fiscal impact study which will demonstrate that redevelopment of the Mill Plaza, including a financial institution with a drive through, will have an overall positive fiscal impact upon the Town's financial resources.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Ari B. Pollack". The signature is stylized and somewhat cursive.

Ari B. Pollack

ABP/mla

cc: Rick Taintor, Project Planner
Colonial Durham Associates, LP