



## PLANNING DEPARTMENT

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### MEMORANDUM

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**TO:** Durham Planning Board  
**COPY:** Todd Selig, Town Administrator  
**FROM:** Rick Taintor, Consulting Planner *RT.*  
**DATE:** March 20, 2020  
**RE:** Mill Plaza Redevelopment – Stormwater Peer Review

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At the March 11 hearing on the Mill Plaza Redevelopment application, there was discussion about the applicant's Stormwater Management Report. The question was raised whether a more detailed review of the report would be warranted, and specifically whether the Board should request a third-party peer review of the report. I subsequently had a phone conversation with Town Engineer April Talon about her review of the stormwater report, and she indicated to me that an independent peer review could be helpful in order to address some of the questions and concerns that have been raised by residents and Board members.

The Site Plan Regulations include the following relevant provisions in Part III, Article 16 – Stormwater Management Standards:

#### Section 16.6 Plan Approval and Review

The Planning Board shall approve the Stormwater Management Plan if it complies with the requirements of these regulations and other requirements as provided by law. At the discretion of the Planning Board, a technical review by an independent third party may be required of any stormwater management and erosion control plan prepared under these regulations. Such independent review may be especially important for projects that incorporate innovative techniques such as pervious pavement and gravel wetlands. The technical review shall be performed by a qualified professional consultant, as determined by the Planning Board, and the expense of which shall be the full responsibility of the applicant.

[Note: This reference is to the version of the Site Plan Regulations applicable to the Mill Plaza project. The same provision is at Section 15.7 of the current Regulations.]

I have contacted Horsley Witten Group (<https://horsleywitten.com>) and requested a proposal to conduct a peer review and recommendations, including a proposed scope of services and fee. I expect to receive the proposal within the next few days and will forward it to the Board prior to the meeting.

I propose that the Planning Board consider this matter at its March 25 meeting. If members agree that an independent peer review is appropriate, I recommend that the Board take the following action:

Vote to determine that additional technical services are needed to adequately review the Stormwater Management Report submitted for the proposed Mill Plaza Redevelopment, and therefore to authorize the engagement of Horsley Witten Group to prepare an independent peer review of the Report according to the terms of the proposal dated March \_\_, 2020, with the costs of the study to be paid by Colonial Durham Associates in accordance with Part III, Section 16.6 of the Site Plan Regulations.

I have contacted Colonial Durham Associates regarding this recommendation, and have requested that CDA indicate consent for the Board to vote on the matter outside the public hearing process.