



## PLANNING DEPARTMENT

Town of Durham

8 Newmarket Road

Durham, NH 03824-2898

Phone (603) 868-8064

[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

### Planning Consultant's Review

#### Planning Board Meeting – Wednesday, December 16, 2020

- XI. **Public Hearing - Mill Plaza Redevelopment**. 7 Mill Road. Continued review of application for site plan and conditional use for mixed use redevelopment project and activity within the wetland and shoreland overlay districts. Colonial Durham Associates, property owner. Sean McCauley, agent. Joe Persechino, Tighe & Bond, engineer. Emily Innes and Sharon Ames, Harriman, project designer. Ari Pollack, attorney. (Rick Taintor is serving as the Town's Contract Planner.) Central Business District. Map 5, Lot 1-1.
- I recommend that the Board reopen the public hearing and vote to continue it to January 13 or 27, 2021.

Please note the following:

- 1) On November 18, 2020, the Planning Board opened the continued public hearing on the revised Site Plan for the Mill Plaza redevelopment project. Colonial Durham Associates' architectural design team presented an update on the meetings with the Minor Architectural Review Subcommittee, and the Board discussed the subcommittee's recommendations. The Board accepted the subcommittee's recommendation concerning the color palette, with the caveat that additional options for the brick elements were requested. The Board scheduled a site walk for December 16 at 12:00 pm, and continued the hearing to the December 16 meeting.
- 2) Items expected to be discussed at the December 16 meeting include:
  - Finalization of brick selection
  - Discussion of College Brook buffer management and stream improvement
  - Consideration of potential improvement to the Mill Road pedestrian crossing

If time permits, the Board may also want to discuss and perhaps vote on whether to require one or more independent peer reviews as outlined in #6 below.

- 3) The Conservation Commission discussed the project at its regular meetings on October 26 and November 23 and at a special meeting on December 9, and held a site walk on November 20. The Commission was not able to conclude its deliberations at the December 9 special meeting and therefore continued the matter to its next regular meeting on December 28. It is expected that the Commission's recommendations

regarding the WCOD and SPOD conditional use permit applications will be completed at that meeting and will be available for the Planning Board's first meeting in January.

- 4) Approximately 3.4 acres of the Mill Plaza site (north of College Brook) lie within a quarter mile of the Oyster River, which is included in the NHDES Rivers Management and Protection Program. As a result, the Town is required to notify the Oyster River Local Advisory Committee (LAC) about any proposed actions within this 1/4-mile corridor, and the LAC will comment on any proposed DES actions (such as the issuance of an Alteration of Terrain permit). The LAC will also provide input to municipal officials if requested. If the Board would find any general or specific input from the LAC useful, it would be appropriate to discuss the parameters in a meeting and I will then forward the request to the LAC.
- 5) The Traffic Safety Committee will meet on Monday, December 14, to discuss options for upgrading the Mill Road crosswalk next to Hannaford to accommodate increased pedestrian flows between Mill Plaza and the University more safely. On November 19 Tighe & Bond submitted a memo titled "Mill Road Plaza Pedestrian Crossing Analysis", which is posted on the project web page. DPW Director Richard Reine has requested some supplemental information to assist the Committee in reviewing the matter.
- 6) The Board has discussed the possibility of requiring independent peer reviews for several aspects of the proposed Mill Plaza redevelopment project but has not made any final decisions. These include the following:
  - a) Fiscal Impacts: The applicant submitted a Fiscal Impact Analysis in April 2020 and the Board discussed this report at its meeting on May 13. At that meeting a motion to commission an independent review of the fiscal impacts failed to pass, but members indicated that they could revisit this matter after reviewing a separate report on property value impacts which was expected to be submitted later.

In June the applicant submitted a letter report evaluating the impacts of the proposed redevelopment projects on the values of adjacent properties. The Board discussed this report at its meetings on June 24 and July 22.

At the July 22 meeting Board members appeared to agree that they would not require a peer review of the property values study; however, the question regarding the fiscal impact analysis remains unresolved.
  - b) Traffic Impacts: On June 17, 2020, the Board voted to "approve the hiring of a third-party consultant to review the traffic report and traffic model, and related materials the applicant submits." The applicant submitted an initial Traffic Impact Study in July and a revised Study in August. I solicited a proposal from RSG, the Town's consultant that manages the traffic model, and transmitted the proposal to the Board and the applicant on September 14.

CDA subsequently raised concerns about the proposed costs for these two reviews. The Board discussed whether to continue to require a peer review and

traffic model run at its September 23 and October 14 meetings, but no action was taken at either meeting. The Board has not yet voted to amend or rescind its June 17 vote.

- c) College Brook Impacts and Restoration: In October and November CDA submitted two reports relating to College Brook: “Mill Plaza Redevelopment and Relationship to College Brook” (June 21, 2018) and “Recommendations for Stream Improvements to College Brook (May 25, 2020). There has been some discussion about having an independent review of these issues but no action has been taken.
- 7) The estimated timeline for the Planning Board to complete its review of the Mill Plaza applications continues to evolve.
- [Traffic Safety Committee re: Mill Road pedestrian crossing ..... 12/14]
  - Finalize brick selection .....12/16
  - College Brook buffer management / stream improvement plan .....12/16
  - Traffic (including Mill Road pedestrian crossing); reconsideration of peer review and model run .....12/16
  - Fiscal Impact – reconsideration of peer review.....12/16
  - [Conservation Commission re: wetland and shoreland conditional use permit ..... 12/28]
  - Wetland and shoreland conditional use permit criteria ..... 1/13/21?
  - Presentation and review of the independent peer review of the traffic study (if requested by the Board at 12/16 meeting)..... 1/27/21
  - [Submission by CDA of complete revised plan set..... by 2/3/21]
  - Presentation and review of complete revised plan set.....2/24/21?
  - Findings, waivers, and conditions of approval – site plan review .....2/24/21?
  - Findings and conditions of approval – conditional use permits .....2/24/21?
  - Final action .....3/14/21?

Respectfully submitted,

Rick Taintor, AICP  
 Community Planning Consultant  
 December 10, 2020