

December 1, 2021

Re: Conditional Use and Requiring Additional Conditions

Dear Members of the Durham Planning Board,

I was grateful that at the October 27, 2021 meeting of the Planning Board, members began expressing concerns about the Mill Plaza Redevelopment Project and making requests of Colonial Durham. There were several good suggestions including:

- having guards patrolling the parking lot all night long in order to insure that CDA tenants' loud behaviors in the wee hours of the night do not wake up Faculty Neighborhood and Brookside Commons residents.
- having a "backdoor only policy" after certain hours to keep noisy tenants away from the neighborhood.
- adding more trees (and specifically, trees that will actually survive in a parking lot)
- extending the landscaping guarantee beyond the typical few-year period. (Given CDA's track record on the care of trees, the suggestion of a guarantee in perpetuity is reasonable.)
- widening the parking islands by 3 feet to at least what we currently have (9 feet)
- reducing the number of unnecessary parking spaces in order to move Building B back to its northern-most location per the Settlement Agreement and honor the 75-foot wetland buffer. (It was noted that there are currently 33 spaces beyond what is required by our ZO. Removing these spaces would allow CDA to actually meet the 75-foot wetland buffer requirements.¹)
- designing apartments to accommodate a wider population by reducing the number of 4-bedroom/4-bathroom apartments and increasing the number of one- and two-bedroom apartments.

A promising start. Yet, as an observer of the meeting, I would like to note that each and every good suggestion that was brought forward by a PB member (and most of these were relatively small "asks" for such a large project) was swiftly dismissed or skillfully dodged by an attorney who is hired by the developer *to give the least and get the most*. That is his job and he does it very well.

¹ Note: Roads are allowed in the wetland buffer *only by Conditional Use*. That means the PB must go through all the criteria including meeting the "no alternative location" criterion. I believe that criterion will be hard to justify as noted by the Conservation Commission Recommendations and Jake Krtizer's November 1, 2021 letter.

Your job, however, is not to accept these skillful dismissals of requests that matter to the community, but rather to press them, even insist, in order to ensure that the project does not have a negative impact on the community and in fact has at least some public benefit.

With CDA being so resistant to accommodating PB requests, when they do “give in” like agreeing to provide a construction management plan prior to approval, it seems like a win. It’s not. They are merely doing, after extensive foot-dragging, what is minimally required. Please do not lose sight of all else that should and could be achieved beyond the bare minimum. The pluses on the Durham side are very few at this point.

I do appreciate that you are volunteers and are not getting paid the big bucks like CDA’s attorney, yet we, the community, rely on you to: 1) protect our health, safety, and welfare, 2) insist that the plan meets our ZO, and 3) make the project better than it currently is.

We are counting on you!

Sincerely,

Beth Olshansky
122 Packers Falls Road