

To: Conservation Commission Members
From: Diane Chen, 12 Oyster River Rd.
Date: November 23, 2020
Re: Mill Plaza Review

I have worked for two real estate developers and understand the need for responsible development. When I was looking for houses in Durham almost 10 years ago, I immediately realized the need for the Mill Plaza to be redeveloped. All of these buildings look terrible, especially Hannaford, which is inexplicably staying put in its current run-down condition.

When I began rewatching the October 26, 2020 Conservation Commission meeting, I was struck by the number of times, the Plaza's engineer, Mr. Persechino, seemed to qualify, or simply to respond with "I don't know" to many of the questions from the Board. Perhaps some of this is due to a question not being directly related to Mr. Persechino's expertise. However since he was there as a representative of the Applicant, Colonial Durham Associates (CDA), I wanted to try and document these evasive instances so that the Commission can, indeed, receive the information that it needs for its careful review of the complex Conditional Use application before it.

I understand that Mr. Persechino is in a difficult position, sandwiched between the residents (who uniformly do not want this project to go through as presently proposed) and his boss, the Applicant (CDA). Because of my lack of expertise in these matters, I understand there is perhaps some "Conservation Terminology," for lack of a better phrase, that Mr. Persechino (JP) is responding with, with more information for the Commission than it seemed to me.

1. Commission Member (CM) asks how much of landscape plots are impervious?

Mr. Persechino (JP) responds "I don't know."

2. CM asks why is the pavement on the Chesley path not pervious.

JP responds with Because the soil is poor, it has to be. Has to do with treating storm-water. Will be done through grading. The specifics of this aren't addressed.

JP claims that the three mechanisms of water treatment, (rain garden, underground detention basin, and gravel wetlands are designed to treat water from a 1 inch storm event.

Today we had a storm event in excess of 1 inch.

3. CM asks specifics about cleaning the jellyfish filters.

JP responds with two sentences including the words “probably” and “usually” which didn’t fill me with confidence

4. CM asks why the Underground Detention Basin is within the wetland buffer.

JP doesn’t answer the question

5. CM asks about nitrogen removal; specifically which option is better at dealing with removal (Rain Garden, Gravel Wetland, or Jellyfish filters)

JP doesn’t know, but thinks Rain Garden and Gravel Wetland are better.

6. CM asks about effectiveness of oil removal between the three options

JP doesn’t know but says that some of the cars will be under buildings, so should be less.

7. CM asks about how bulk of snow seems to be located between Peter Andersen’s property and Mill Plaza. How do plows get there? Doesn’t seem to be direct access.

JP may not understand question, and he never answers it.

8. CM confirms that within the wetland buffer, there is to be no insecticide, herbicide or fertilizer.

JP acts surprised by this. Asks for it to be clarified.

CM clarifies it.

JP still wants it clarified.

9. CM wants to understand where specifically hillside will be removed. Other CM member asks if that’s the 9,000 sf?

JP, although knowing this number is wrong and terribly low (by a factor of more than 5) doesn’t correct the CM. [JP at site walk refused to respond to requests to indicate the planned boundaries of hillside removal there. And he incorrectly claimed that the information he had finally given to Rick Taintor just this month, per Taintor memo to CC & PB, about the scope of the hillside removal had been given “from the very start.” JP also does not mark at the site walk the closest corner of Building C to the adjacent Church Hill property.]

10. CM is very concerned about the flooding of neighboring properties. Wants a brief qualitative analysis from JP

JP acts as if he has never heard this information before (when it's been presented in length at PB meetings he attended). JP claims that Mill Plaza is not the only problem with flooding and points to UNH.

11. CM wants WSAG to elaborate on their findings prior to CM decision.

13. CM asks if Prof. Ballestero's organization could provide proposed option rather a list of all the options.

JP agrees, but does not offer firm commitment of which "option" CDA would commit to.

Also, JP, though representing wealthy developer, mentions the possible need to apply for grants for broader restoration of adjacent properties that have been negatively affected by decades of the Plaza's poor maintenance of the site.

14 and 15 were comments and as such, were not responded to by JP.

14. CM reminds attendees that the 2015 settlement should reflect an increase in the natural buffer, and "will provide for proposed buildings and vehicular roads outside of the shoreland and wetland buffers."

15. CM asks JP to review the residential concerns and come with answers to the next meeting.

Additionally, at the site walk, JP was asked where the underground detention basin is.

JP pointed to a rough spot on the asphalt and said he didn't exactly know, but over there somewhere.

At the site walk JP was asked what the height of Building C would be.

JP said he did not know (and a resident attending had to provide the answer)

At the site walk JP was asked what the depth of the berm was next to the Chesley Path walkway because this was a walk taken by schoolchildren.

JP didn't know.

The Conservation Commission deserves full answers to all these questions and should continue its review until they are provided.