

From: [John Hart](#)
To: [external forward for sneedell](#); [Karen Edwards](#); [Rick Taintor](#); [Michael Behrendt](#)
Subject: citizen testimony to Durham Conservation Commission, Jan 2, 2021
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4 January 2021 Durham Conservation Commission, Testimony RE Mill Plaza Redevelopment

I want to make brief comments on four conservation-based issues that I and others have with the current design proposal for Mill Plaza:

1) Firstly, regarding conservation setbacks: I would encourage the Conserv Comm to recommend that any development adhere to the Durham Wetland Conservation Overlay District setback of 75 feet. The Mill Plaza Restoration as proposed is, by any estimation, a **major ten-acre project**, the scope of which should eliminate any grandfathering of past wetland destruction. This is a once-in-fifty-year opportunity to start over, to correct past wrongs, and begin to foster a healthy wetlands ecosystem.

Yes, this would require a re-alignment and a possible reduction in scale of proposed buildings, and a reduction of asphalt acreage. That is the price of a ten-acre development that's primarily impervious surfaces and that lies adjacent to and drains to wetlands.

2) secondly, regarding stormwater treatment: surface treatment of stormwater using natural systems is always preferred and is the Best Mgmt Practice. That is not being proposed here. Once you engineer artificial systems and once you put all runoff down a tube, you are designing a lot of on-going maintenance into the system, and you're wildly increasing the likelihood of eventual failure. It is a system designed to fail without continual maintenance. This is by no means a sustainable system.

3) thirdly, (I call it Strike Three), proposed vegetation: the last proposal I saw showed minimal vegetation on the site, mainly consisting of isolated trees in, basically, asphalt flower pots. As the great ecologist and landscape architect Ian McHarg described it to me, "This is like putting a smile on a cadaver."

A sustainable landscape here requires larger planting areas, preferably interconnected, with plants in a "plant community" layered design and close attention to site preparation, soils, and water catchment. Very little of this is in evidence.

4) and this brings me to my final issue, maintenance and accountability: the owner and developer here has a fifty-year track-record of ignoring maintenance, ignoring agreements with the town regarding landscape and other issues, ignoring pesky technicalities and legalities, and ignoring the natural systems within which the Plaza exists. That's a lot of *ignore-ance*.

I, for one, have no faith that their approach to the Plaza site will magically change any time soon. I would love to be proved wrong, but this is their ninth proposed design plan, and, in spite of years of testimony and comment from various town boards and dozens of concerned town citizens, it differs little from the first inadequate plan, brought to the town in 2014.

So I encourage the Conserv Comm to recommend to the Planning Board that, whatever the final plan and the final development is, that a system be put in place to hold the owner accountable for such things as ecologically sensitive treatment of snow removal and storage, sound maintenance of vegetation, protection of College Brook from sand and salt and from high-water "flashes" during storm events, and wetland and shoreland restoration.

The Town has a charter to promote sustainable development. The proposal before you is a far

cry from that. Many thanks to the Cons Comm for your efforts to hold Colonial Durham Assoc to that standard.

signed

John Hart, President, Board of Directors, Brookside Commons Condo Assn, 13 Mill Road,
Durham