

From: [John Hart](#)
To: [external forward for sneedell](#); [Rick Taintor](#); [Karen Edwards](#); [Michael Behrendt](#)
Subject: Mill Plaza public testimony, 23 Nov 2020
Date: Tuesday, November 24, 2020 1:59:19 PM

I failed to get on the speaking list last night. Here are my thoughts. Thanks.

John Hart

TO: Sally Needell, Chair, and the Durham Conservation Commission

FROM: John Hart, 13 Mill Rd, Durham

DATE: 23 November 2020

RE: Mill Plaza redevelopment, Public Hearing Testimony, 23 November 2020

The preliminary review process for the Mill Plaza redevelopment began in 2014. Since then, I've written several letters and put together a couple of presentations on this project to the Planning Bd, the Zoning Bd, and the Conservation Commission. So I'll try to keep my contribution brief tonight. I really have just two points, more general than focused entirely on stormwater, but I think the comments are germane.

Firstly, what I've heard from townspeople for the past six years, and I agree, is that we're not against a sensitive and considered redevelopment of the Mill Plaza. What was built for the town five decades ago is a strip mall in the center of downtown. The citizenry would LOVE a redevelopment that improved the architecture, the sense of community, the ecological function, and the long-term sustainability of the site – all parts of the Durham Master Plan, and appropriate for a project that will define downtown for the next fifty years.

A great way forward was provided in detail in the Mill Plaza Study of 2007 and 2008 – a massive undertaking which was supported by the owner of the site and provided him with a huge amount of free consulting in engineering, architecture, landscape architecture, town planning, and related areas. If the owner had come to Durham in 2014 with a proposal that fulfilled the objectives of the Durham Master Plan and had paid reasonable attention to the expressed needs of Durham as detailed in the Mill Plaza Study of 2008, I believe the new buildings would have been in place now for several years. This project would have flown through the approval process.

Unfortunately, for six years now, the owner has repeatedly submitted revised proposals which have barely given lip-service to the voiced needs of the Town, or to the regulations for such things as wetland and shoreland setbacks, building scale, vegetation requirements, and Conditional Use permitting for disallowed uses.

We are now looking at the NINTH revised proposal. It is little better than the

first design proposal in 2014.

So this is my first point: in six years, the owner/developer has not been able to produce a preliminary design that is acceptable to the people of Durham, or that will pass muster with town regulations and Conditional Use permitting.

Secondly, in my opinion, the owner/developer has been a poor tenant of this space for fifty years, and a very poor steward of its natural resources. They have yet to complete landscaping required in their initial plan of fifty years ago, they have illegally leased parking spaces to the public, they illegally expanded parking in 2002 by cutting into forested land, and they have killed and neglected the vegetation they did plant. In the wetlands and shorelands conservation protection zones, the current vegetation consists almost entirely of dead trees and living invasive plants and poison ivy. (I sent a powerpoint slide show to the Conservation Commission on the current state of the landscape, which is also available in Dropbox.) For fifty years the owners have drained the parking lot and its various pollutants into College Brook, and pushed sand- and salt-laden snow into the Brook. A pond on my property is now totally silted in.

So point two: They have proved themselves to be very poor stewards of the landscape. This neglect has been going on for fifty years. I have very little faith that, on their own, they will behave differently in the future. To me, this has been further confirmed by their unwillingness over the course of six years to adjust proposed designs to take into account the town's wants and needs, and the town's rules and regulations for good development. Frankly, and I'd love to be proved wrong, they seem to be bad actors. Any approvals of this project by the town should be contingent on some form of performance guarantee that the developer will actually obey the law and follow the approved plans and town stipulations and actually maintain the site in the future.

So lastly, pertaining specifically to the Conservation Commission's areas of concern, I would hope that you will consider several recommendations:

- *that the owners be held to Town planting regulations and wetland/shoreland setbacks;
- *that the wetland and shoreland conservation protection zones be restored and densely vegetated with ecologically appropriate plant communities;
- *that detailed site preparation and planting procedures be provided and adhered to, including soil media and soil volume;
- *that species lists ensure sustainable native plants in natural vertical layers of vegetation;
- *that vegetation maintenance be warranted for three years minimum; and owner to guarantee provisions for long-term maintenance of vegetation.

I would think that if the owners are acting in good faith, they would readily agree to these conditions.

Thank you for all your work for the Town, and good luck with this one.