

**From:** [John Hart](#)  
**To:** [Rick Taintor](#); [Karen Edwards](#); [Michael Behrendt](#)  
**Subject:** Mill Plaza testimony for Aug 25 Planning Board meeting  
**Date:** Sunday, August 22, 2021 10:54:26 PM

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TO: Durham Planning Board, Rick Taintor, Karen Edwards  
FROM: John L Hart, 13 Mill Road #9, Durham NH  
DATE: August 22, 2021  
RE: Mill Plaza redevelopment plan of August 18, 2021

Well, it's taken seven years – seven long and frustrating years – for Colonial Durham Associates to get their buildings and most (but not all) of their impermeable asphalt out of the wetland- and shoreland-protection zones. Perhaps in another seven years, they'll come forward with a development plan that serves both themselves and the citizens of Durham, and that passes muster on Conditional Use criteria.

As presented in their proposal dated August 18, 2021, in my opinion this plan again fails to serve the people of Durham. And by anyone's reasonable interpretation, this plan fails to meet most of the criteria for Conditional Use permitting. To be specific:

**Conditional Use Criterion Article VII, 175-23, C2, “External Impacts”** states: “The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses... This shall include...traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the structure..., its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment...” I think any reasonable person would conclude that this development – adding a minimum of 258 students and almost an acre of new storefront space – would have a huge adverse effect on the abutters and the neighborhood. It is obvious that there will be increased traffic, noise, odors, vibrations, dust, fumes and exterior light. In addition, the scale of the development and the nature and intensity of the use, in reference to me and my neighbors, will be significant and negative. Large-footprint 4-story buildings will be less than 200 feet from my living room and bedroom. This project fails to satisfy Conditional Use Criterion, “External Impacts.”

**Conditional Use Article VII, 175-23, C3, “Character of the site development”** states: “The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood.” The proposed development is wholly out of compliance with this criterion. The neighborhood is primarily one- and two-story houses occupied by single families, often with children. This is wholly incompatible with large-footprint 4-story buildings full of college

students. This project fails to satisfy Conditional Use Criterion “Character of the Site Development.”

**Conditional Use Article VII, 175-23, C4, “Character of the buildings and structures”** states: “The design of any new buildings or structures...on the site shall not be incompatible with the established character of the neighborhood...” Not only is this development totally incompatible with the neighborhood, it’s incompatible with the Hannafords/RiteAid building they’re leaving in place. This project fails to satisfy Conditional Use Criterion “Character of the Buildings.”

**Conditional Use Article VII, 175-23, C5, “Preservation of natural, cultural, historic, and scenic resources”** states: “The proposed use of the site ... shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include ...identified wetlands, floodplains significant wildlife habitat...” The hillside forest and ledge east and northeast of the second existing building (the “bank bldg”) will be largely demolished. After seven years, I was pleased to see Plan 10 finally moved out of the shoreland and wetland setback zones, for the most part. I remain unconvinced that this massive development will have no impact on College Brook, or on my pond which is now silted in. As for the small rain gardens and water treatment areas proposed, these are a start, but they should be expanded. And I have absolutely zero confidence in these owners to maintain these facilities. Their track record is abysmal. This project fails to satisfy Conditional Use Criterion “Preservation of natural, cultural, historic, and scenic resources.”

**Conditional Use Article VII, 175-23, C6, “Impact on property values”** states: “The proposed use will not cause or contribute to a significant decline in property values of adjacent properties...” I and my co-owners at Brookside Commons are convinced that our property values will fall, due to the scale of the buildings, the student occupancy, and the increased noise, traffic, lighting, litter, etc. We cannot of course prove this, but the owners or their representatives once testified here that this development would likely decrease neighborhood property values. This project fails to satisfy Conditional Use Criterion “Impact on Property Values.”

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Based on the plan’s failure to satisfy numerous Conditional Use criteria – where failure to meet only one of the criteria requires denial of the application --I would ask the Planning Board to deny this application.

Signed,

John L Hart