

To: The Planning Board, Rick Taintor, Contract Planner, Todd Selig, Town Council

From: Kay Morgan, 16 Valentine Hill Rd.

Date: 2/3/22

Dear Members of the Planning Board,

I continue to oppose the Mill Plaza plan as it is currently configured and I sincerely believe that it does not meet the criteria required for a Conditional Use Permit for the following reasons:

Condition 1C: Site suitability

Yes, the site is suitable for expanded mixed use development. Under criterion 1 c., the proposal doesn't pass. "Environmental constraints" is a broad topic, open for interpretations, since the only qualifiers specified are, in parentheses (floodplain, steep slope, etc.). The devil is in the details of "etc."

One-third of the property (at least) is in the designated protected corridor of the Oyster River and its tributaries. The Oyster River Local River Advisory Committee (ORLAC), have provided good guidelines for evaluating the current Colonial Durham Associates (CDA proposal.

We know the Conservation Commission determination is that the project should be denied on the basis of its encroachment on the Wetland Buffer. Why would the Planning Board act in opposition to the duly constituted group of individuals who represent the rest of us in exercising their assigned purpose in reviewing such proposals?

There are additional environmental impacts which should be discussed: A) The removal of significant soil, ledge and forested area at the Chesley Drive end of the lot as well as across the back of the lot on the Church Hill forest/Main Street side of that same end. B) What is the effect of increased hardscape in the form of 3 and 4 story buildings which will replace these natural areas? C) Where will snow storage occur such that it doesn't impact College Brook? D) What will be the impact of the construction process itself on the 75 foot buffer and the nearby brook and wetland area? D)

How will this project contribute to general environmental concerns such as the creation of a heat island created by the size and density of buildings in the downtown area? How will the project add pollutants to the atmosphere from its heating and cooling systems greater than the present buildings on the lot? Has there been an attempt to move away from the use of fossil fuels? How can this project create greater green space to replace the forested natural area it will destroy? (A few trees planted in the medians won't quite measure up.)

The other significant area in which this proposal does not meet Conditional Use is in the second criterion: External Impacts. The environmental impacts mentioned above, are primarily external impacts, but this criterion includes quite a specific list of areas. CDA may argue that the external impacts of this proposal will be no greater than those of "adjacent existing uses or other uses

permitted in the zone.” I hope the Planning Board will examine closely the facts in this area. Which adjacent areas should be taken into consideration? The family neighborhoods on two sides of the proposal? The large parking lot on UNH property across Mill Road? The student housing and handful of businesses up on Main Street? I believe all of these areas need to be considered when discussing this requirement.

So, what are we looking at? This standard “includes but is not limited to: traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.” Residents of the buildings will not be allowed to have cars. That doesn’t mean that traffic will not increase. On the contrary, their friends with cars on or off campus, will be picking them up and dropping them off at all hours. No one can adequately predict the increase in traffic as a consequence of 258 students who will want to go in and out of the Mill Plaza to live their lives. The “Traffic Study” conducted earlier is not definitive, in my opinion.

Further, as many have requested, there is no analysis of the foot traffic that is going to occur across Mill Road and/or across Main Street when students come and go on the hour for classes. Increased congestion caused by foot traffic is also going to significantly impact travel along Mill Road and Main Street.

Noise level: The noise level of students partying on Thursday, Friday, Saturday and Sunday nights on Main Street should not be the gold standard against which the Planning Board examines the impact of noise. That is not the only adjacent area impacted by this proposal. Rather, you must look to the family neighborhoods to determine how that same noise level, probably exacerbated by the echo factor created by the density and size of the buildings, will have a severe impact on the Faculty neighborhood, Brookside Commons and Chesley Drive.

Currently, the noise from Football games, the UNH Carnival (in C lot) and noise from Main Street may be heard as far into the Faculty Neighborhood as Valentine Hill Road. This can only grow worse with the impact of the current development. All the management plans in the world won’t contain students. Expert reports are in your hands which will attest to this fact.

Questions were raised about the positioning of the trash compactor. That, alone, is going to add to the noise level in the general vicinity of the Plaza and in the neighborhoods. I could hear the bucket loader scraping snow in the Plaza lot at 3 a.m. Monday.

Hours of operation: Unless the CDA plan eliminates restaurants, late-night pizza joints and/or bars, or sets severe limitations which I don’t believe they can do, the hours of operation of the Mill Plaza will increase significantly into the night. Unless there is an enforced curfew for student residents, hours of operation can conceivably continue all night. The management of the building includes an office inside, but will CDA pay to station security personnel outside the buildings or will the Durham Police be expected to provide those services? A manager inside the building is going to be useless in terms of containing student behavior (see noise above)

Currently, the Plaza closes down by 10:00, with only one or two establishments open that late. The lighting in the Plaza is minimal now, but exterior lighting as well as the lights from apartments on the upper levels of the new buildings, will add significant light pollution to the

neighborhoods below the Main Street grade. That may include increased glare as well, as light has a tendency to bounce off hard surfaces.

Finally in this category of External Impacts : “Location, nature, design, and height of the structure and its appurtenances, 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. . .” Again, I don’t think the proposal meets this standard or even comes close to meeting it. An excellent powerpoint by Robin Mower showed how out-of-scale the proposed buildings are. They are going to create a seemingly impenetrable wall of brick and mortar as an individual approaches from the Faculty Neighborhood footpath or Chesley Drive. From the entrance on Mill Road, the buildings will appear to be a fortress filling the back 2/3 of the Plaza. Does this qualify as “in scale” with the one and two story buildings that abut on two sides? The tallest building will be so tall that from Faculty Road, one will not be able to see the buildings on Main Street.

All of what I have written above can also be considered in Standard 6: Preservation of natural, cultural, historic and scenic resources. The wetland buffer, the removal of trees and soil, the increase in impervious surfaces (huge buildings), the viewshed, all are impacted.

I look forward to the findings of fact which will underpin your decision-making and appear in writing in the recording of your proceedings in compliance with 175-23.