

14-December-2020

Dear Planning Board and Conservation Commission members,

At this time both the Planning Board and the Conservation Commission are simultaneously discussing two extremely important proposals for the future of the Durham downtown area, namely the Mill Plaza Redevelopment proposal and the Church Hill Parking Lot proposal. The land involved in these two proposals shares a common border, and each proposal requires massive alterations to its land adjacent to that border. Therefore, my comments in this letter, and the considerations of both proposals by both committees, are relevant because, as succinctly pointed out in John Carroll's letter to the Conservation Commission on 23-November-2020, Mother Nature cannot be fooled by human attempts to consider these proposals separately.

The common border is drawn through a forested hillside that will essentially disappear if both these proposals are approved. It is ironic that each proposal replaces it in a completely different manner. The Mill Plaza proposal blasts most of it away, replacing it with proposed Building C and a huge retaining wall a few feet from the boundary necessary to hold back the remaining sliver of the original hill on which the boundary is marked. On the other hand, the Church Hill proposal cuts most down the existing forest on its land (again leaving only a sliver of the original hill on which the boundary is marked), and then drastically changes the denuded slope by dumping a gigantic amount of fill onto it such that the bottom of the current slope at the Chesley drive end is buried under about 19 feet of fill topped with a parking lot. The result is two gross eyesores, unlike anything else in the downtown area! In the process, the natural drainage from the existing pervious forest is completely destroyed, and is replaced by impervious material that significantly increases storm water run off that, in turn, must be processed by two massive new underground water treatment facilities, one in each proposal, that both empty into College Brook.

Because of the massive terrain changes required by these proposals, each of them will require an "Alteration of Terrain" (AoT) permit from the New Hampshire Department of Environmental Services (NHDES). Both the Conservation Commission and the Planning Board should require that they see and approve each AoT application BEFORE it is submitted, to ensure that each application accurately describes the destructiveness of its proposal.

Members of the Conservation Commission, the Planning Board, and the Durham citizenry, as well as the proposers of each proposal, should also be

aware that much of the land being altered by these proposals lies within the Oyster River Designated River Corridor. To quote from the NHDES website: "The Designated River corridor is defined as the river and the land area located within a distance of 1,320 feet (1/4 mile) of the normal high water mark or to the landward extent of the 100 year floodplain of a designated river as designated by the Federal Emergency Management Agency (FEMA), whichever distance is larger." Details can be found by navigating from the website:

<https://nhdes.maps.arcgis.com/apps/webappviewer/index.html?id=d3869f998e614d81925481ac71c3903e>

This corridor was established under the auspices of the New Hampshire Rivers Management and Protection Program (RMPP) as part of RSA 483 to protect certain rivers (called "Designated Rivers") for their outstanding natural and cultural resources. As part of such a designation, a volunteer "Local River Management Advisory Committee" (LAC) is formed to develop and implement a River Management Plan that coordinates activities affecting the river on a regional basis. As part of an AoT permit application process, the applicant must indicate whether any part of the proposal falls within a Designated River corridor, in which case the LAC for that river must be notified of the proposal as well.

Zooming in on the map at the URL given above yields the details given in the picture attached at the end of this letter.

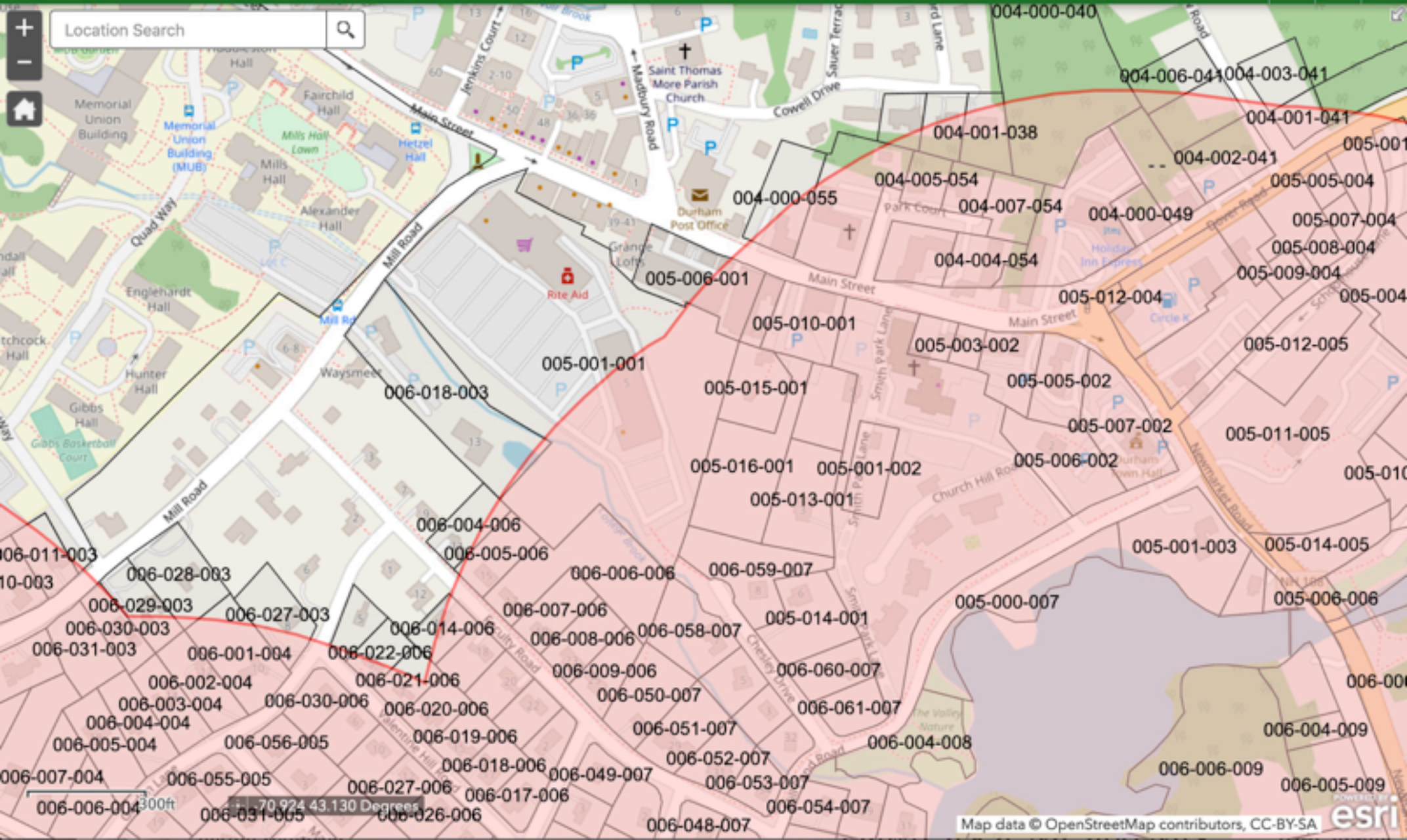
- (1) In the Mill Plaza proposal, essentially the entire proposed Building C and its retaining wall fall completely within the Oyster River Designated River corridor.
- (2) In the Church Hill proposal, all the lots included in the proposal fall completely within the Oyster River Designated River corridor.

Therefore the Oyster River LAC must be notified independently by each proposal. See the Oyster River LAC web site at URL *<http://oysterriverlac.org/oysterriver.html>* for details on the Oyster River Corridor Management Plan from 2014, various documents, and maps. The Oyster River LAC is chaired by Eric Fiegenbaum of Madbury, and has local members from the towns of Barrington, Lee, Madbury, and Durham. The Durham members are Michael Sullivan, Jim Hornbeck, and Stephen Burns. I would therefore urge both the Planning Board and the Conservation Commission to contact Mr. Fiegenbaum and the Durham LAC members for insights on these proposals.

Finally, both these proposals directly contradict the Durham Master Plan Goal to "Reduce the trend of continued loss of forestland and other natural areas, and increase the quantity and quality of existing forest cover in developed areas." For all these reasons, as well as the many other objections cited in letters from other Durham residents to the Conservation Commission and the Planning Board, I would urge the Conservation Commission to recommend to the Planning Board that they NOT approve either of these proposals. I would also personally urge the Planning Board to NOT approve either of these proposals.

Thank you for your consideration.

Robert Russell
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