

January 26, 2021

Planning Board
8 Newmarket Road
Durham, NH 03824

RE: Mill Plaza Redevelopment. 7 Mill Road. Continued review of application for site plan and conditional use for mixed use redevelopment project and activity within the wetland and shoreland overlay districts.

Topic of this letter: WCO and SPO CUP Advisory from Conservation Commission | College Brook

Dear Planning Board members:

The Wetland and Shoreland Conditional Use Permit sections of our zoning ordinance codify the value our community places on our natural resources. Perhaps nowhere else do those values come into play so starkly as they do when addressing development abutting our local waterbodies—such as is the case with the Mill Plaza and College Brook.

Heading the list of purposes in zoning ordinance “Section 175-58. Purpose of the Wetland Conservation Overlay District”:

- A. Protect the water quality of wetlands by appropriately managing stormwater runoff, siltation and sedimentation, and the construction or alteration of allowed or pre-existing buildings and structures;*

Further underscoring the community’s commitment to protecting our waterbodies, the Settlement Agreement requires an “increased natural buffer” for College Brook.

The Conservation Commission advisory makes clear that the site plan could have been configured to keep impervious surfaces out of the wetland setback completely.

So I ask that you:

- *Envision College Brook as an asset to both the proposed development and the community: what you see today is the result of decades of degradation generated by humans, but restoring natural functions could be transformative; and*
- *Adopt the advice of the Conservation Commission in its entirety, i.e., regarding buffers, best management practices, and a plan for stream restoration, as also advocated over the years by others, including the 2008 Mill Plaza Study Committee, and as recommended by Dr. Tom Ballestero.*
- *Require Colonial Durham Associates’ to commit to a restoration plan.*

Your decision on the Wetland and Shoreland Conditional Use permits will have impacts on water quality beyond College Brook—to the Mill Pond, Oyster River, and Great Bay.

As I have previously noted, Durham has put significant resources toward the health of Great Bay and meeting EPA’s MS4 and NPDES permitting requirements. It is time that we start spreading the costs of development among contributing property owners as appropriate opportunities arise. It’s not a unilateral approach: Economic grants may help

aid in stream restoration or pollution mitigation and, as the Conservation Commission recognizes, success will lie in partnerships.

In Durham we sometimes call out development into wetland areas as “death by a thousand cuts,” noting that functioning wetlands provide ecosystem services to benefit the community as a whole. Conservation professionals tend to put it more eloquently:

“We said for years, ‘What is one stream? What is one prairie? What is one pond?’ Everything is interconnected. If we keep sacrificing the bits and pieces we have left, there will be consequences.”
[Audubon magazine, Spring 2020]

Some will recall planner Bill Dennis (B. Dennis Design, whom we hired to run a planning charrette in 2009) commenting that many towns would be delighted to see a blue heron in the middle of their towns, as he did on Pettee Brook.

A better-functioning College Brook might not attract blue herons, but it certainly might become home once again to songbirds, bringing delight to abutting residents and pedestrians passing through the Plaza.

Sincerely yours,

—Robin