

–NOTES ON SLIDE PRESENTATION — “CHARACTER OF SITE & BUILDINGS”

October 6, 2021

Planning Board
8 Newmarket Road
Durham, NH 03824

Mill Plaza Redevelopment. 7 Mill Road. Continued review of application for site plan and conditional use for mixed-use redevelopment project, drive-through facility for bank, and activity within the wetland and shoreland overlay districts. Colonial Durham Associates, property owner....Central Business District.

Dear Members of the Board,

At the August 25th public hearing on Mill Plaza, I quickly ran through a PowerPoint slide presentation on “Character of Site & Buildings” (now revised), which I urged you to review later at your own pace. I was nonetheless hopeful that the key point of my presentation would open eyes.

To be consistent with our Conditional-Use zoning, the Mill Plaza site should be developed in a way that “transitions” from the intense uses of Main Street and north to the single-family neighborhoods on the south and east. The proposal as we have seen it to date does not do so.

The large student housing structures NORTH of Main Street (e.g., 9 Madbury, 10 Pettee Brook, Madbury Commons, Fraternity Row houses) contrast with the smaller, traditional architecture of the structures that are nearest to the proposed Buildings B & C, i.e., on Church Hill—on both north and south sides of Main Street—and in the family neighborhoods. Put another way, the proposed massive Buildings B & C would better conform in character (as well as in use) were they built elsewhere (e.g., closer to structures north of Main Street).

They simply do not “fit”—in multiple senses of that word—where proposed.

The Board made no acknowledgement of the points made in my presentation regarding the proposal’s incompatibility with the neighborhood. (Perhaps you will find more persuasive my revised version, dated October 5.)

Moreover—to my astonishment—the Board did not find it appropriate to review (without formal voting, of course) any of the Conditional Use Permits applications—including for Mixed-Use with Residential, which my presentation addressed—PRIOR to sending the applicant off to spend time and resources on complete engineering for buildings that are incompatible with the neighborhood and our zoning. (Lorne Parnell’s August 25th suggestion that the Board conduct such a review, at least in preliminary form, reflected his long service.)

To emphasize my key point: Proposed Buildings B & C do not meet Conditional Use Criteria # 3 and 4 (ordinance text on next page).

175-23.—C. Criteria Required for Consideration of a Conditional Use Permit. A conditional use permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following conditional use permit criteria:

/.../

3. Character of the site development: 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**. This shall include, but not be limited to, the relationship of the building to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.
4. Character of the buildings and structures: The design of any new buildings or structures and the modification of existing buildings or structures on the site **shall not be incompatible** with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.

I hope you will take the time to review my revised slides, particularly given that little or no attention has been paid to the above specific Conditional Use criteria in quite a while.

Regards,

Robin

CUP Criteria: Character

COMPATIBLE WITH NEIGHBORHOOD?



CDA / Mill Plaza Site Plan and CUP application
Presentation to the Durham Planning Board, original 8/25/21
by Robin Mower, 6 Britton Lane (revised 10/5/21)

CDA Building B image at rear (March 2021)

Key Point: Transition to Compatibility

To be consistent with our Conditional-Use zoning, the Mill Plaza site should be developed in a way that “transitions” from the intense uses of Main Street and north to the single-family neighborhoods on the south and east. That would conform with the intent of zoning CUP criterion #4, i.e., compatibility with the neighborhood.

The proposal—in every version we have seen over the last seven years—does not do so.

Key Point: **Off**site Incompatibility

The large student housing structures NORTH of Main Street contrast with the smaller, traditional architecture of the **offsite** structures that are nearest to the proposed Buildings B & C, i.e., on Church Hill—on both north and south sides of Main Street—and in the family neighborhoods.

They simply are not compatible, i.e., they do not “fit”—in multiple senses of that word—where they are being proposed, **the only site in town where large multi-use or commercial structures would abut single-family homes.**

Faculty Rd
abutter



Madbury
Commons



proposed
Building B

Key Point: **On**site Incompatibility



Buildings B & C will not “conform” to Building A, Hannaford/Rite Aid — either . . .

Indeed, as abutter John Hart noted in his August 22, 2021, memo: “Not only is this development totally incompatible with the neighborhood, it’s incompatible with the Hannaford/RiteAid building they’re leaving in place. This project fails to satisfy Conditional Use Criterion ‘Character of the Buildings.’”

Key Point: Onsite Incompatibility



Site plan March 10, 2021

NOTE: CONCEPTUAL ILLUSTRATION OF FACADE IMPROVEMENTS, SUBJECT TO DISCUSSION WITH HANNAFORD AND RITE AID.

A1 RETAIL - FRONT ELEVATION
SCALE: NO SCALE

... even if Building A were to get a “facelift,” i.e., new “overhangs & columns” for the front of the building, per 1/20/21 site plan, but plan is notated, i.e., “NOTE: CONCEPTUAL ILLUSTRATION OF FACADE IMPROVEMENTS, SUBJECT TO DISCUSSION WITH HANNAFORD AND RITE AID.” Buildings B & C would still not conform to Building A — its onsite abutter.

Conditional Use Criterion #4

4. Character of the buildings and structures:

The design of any new buildings or structures and the modification of existing buildings or structures on the site **shall not be incompatible with the established character of the neighborhood.** This shall include, but not be limited to, the **scale, height, and massing** of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.

Just What Are We Going to Get?

“Scale, height, and massing” out of proportion

Janice Aviza, Garden Lane . . . said the gargantuan building at the back [of the Plaza] would be an abuse of Chesley Drive, and said the buildings were out of proportion for downtown Durham. She noted the view of the Riverwoods from Route 4, and said that was proposed for the edge of the Faculty neighborhood. She said the neighbors would have to live with the results of the Mill Plaza development. . . .

[September 23, 2020 Planning Board minutes]

How Can We Tell?

H-m-m-m . . . is this helpful?

FACULTY ROAD



NEAR 7 FACULTY ROAD.
'HIGH POINT OF
FACULTY ROAD.

Trees in rendered view
shown as 'winter'
Trees in existing front
lawns/ street not shown

Page 12

Harriman to PB 11/18/20

Other Applicants Gave Us Context . . .



74 Main Street Proposal . . .

74 Main Street Durham NH -- Planning Board Meeting 4/29/2020

**EXTERIOR RENDERING
FROM CAMPUS**

Bergmeyer

74 Main Street to PB 4/29/20

. . . from Different Perspectives

. . . another view for 74 Main Street . . .



74 Main Street Durham NH -- Planning Board Meeting 4/29/2020

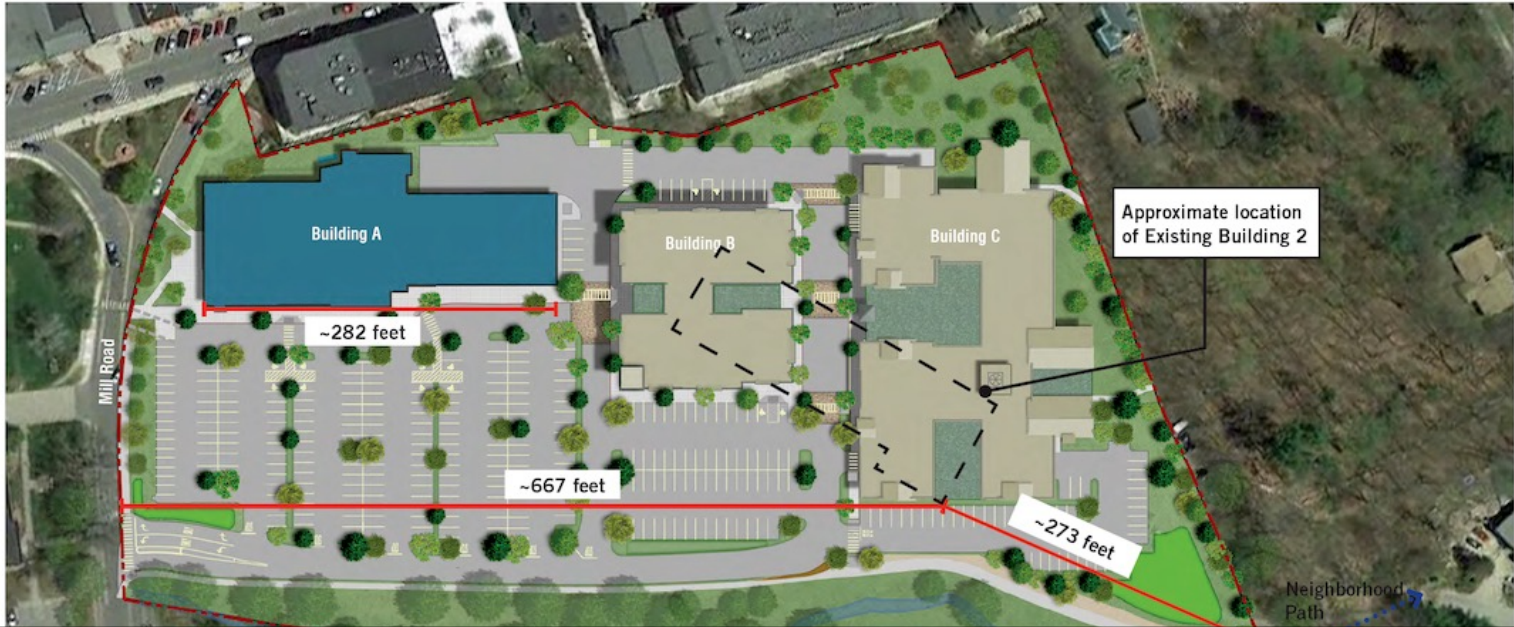
**EXTERIOR RENDERING
FROM MAIN STREET**

Bergmeyer

74 Main Street to PB 4/29/20

Understanding the Project: Community Discussion August 8, 2020

Durham Mill Plaza



CDA's overlay is not particularly helpful, so . . .



Harriman

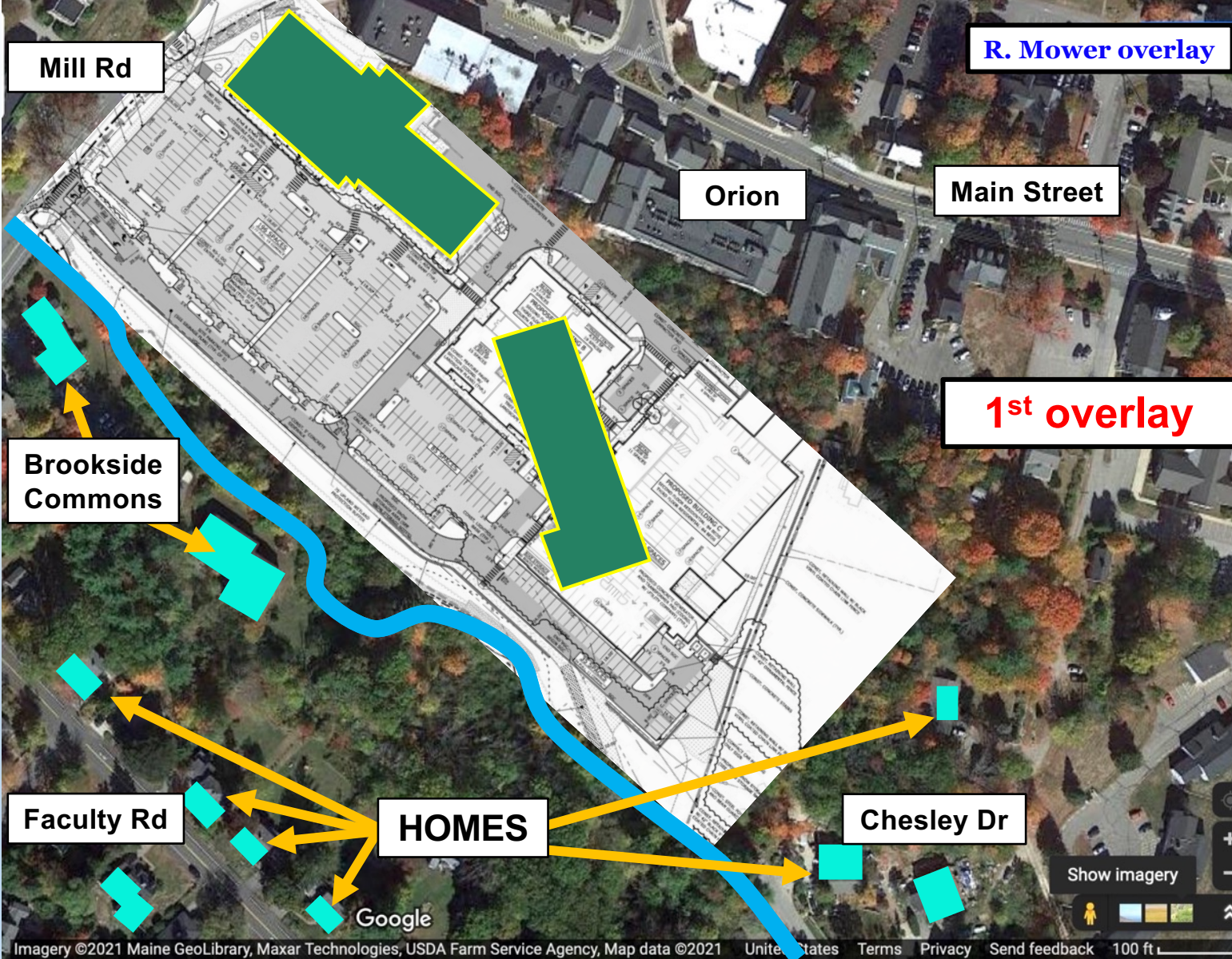
Prepared for Colonial Durham, Associates, LP

July 2020



. . . I rolled up my sleeves





Mill Rd

R. Mower overlay

Orion

Main Street

1st overlay

Brookside Commons

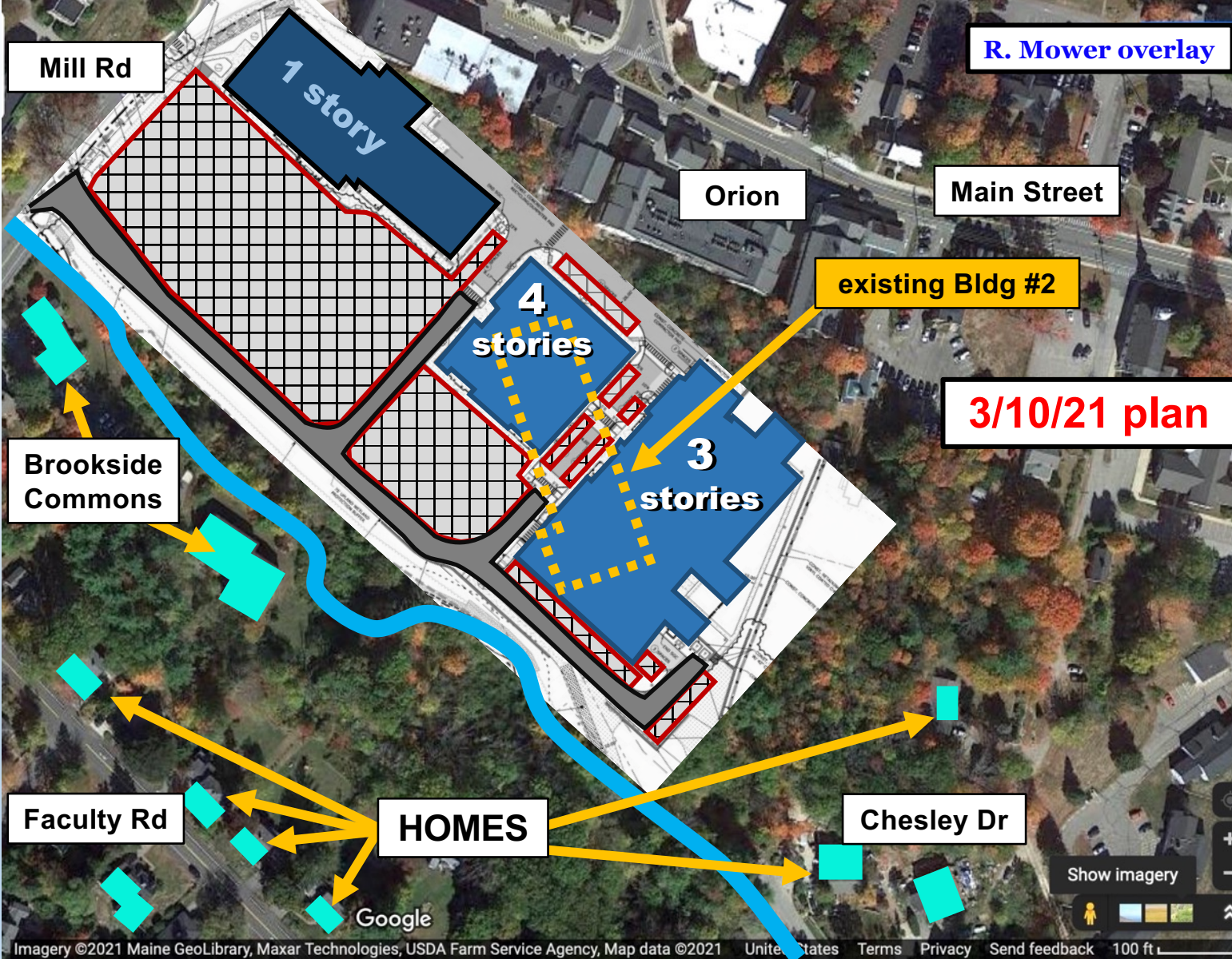
Faculty Rd

HOMES

Chesley Dr

Google

Show imagery



Mill Rd

R. Mower overlay

Orion

Main Street

existing Bldg #2

Brookside Commons

3/10/21 plan

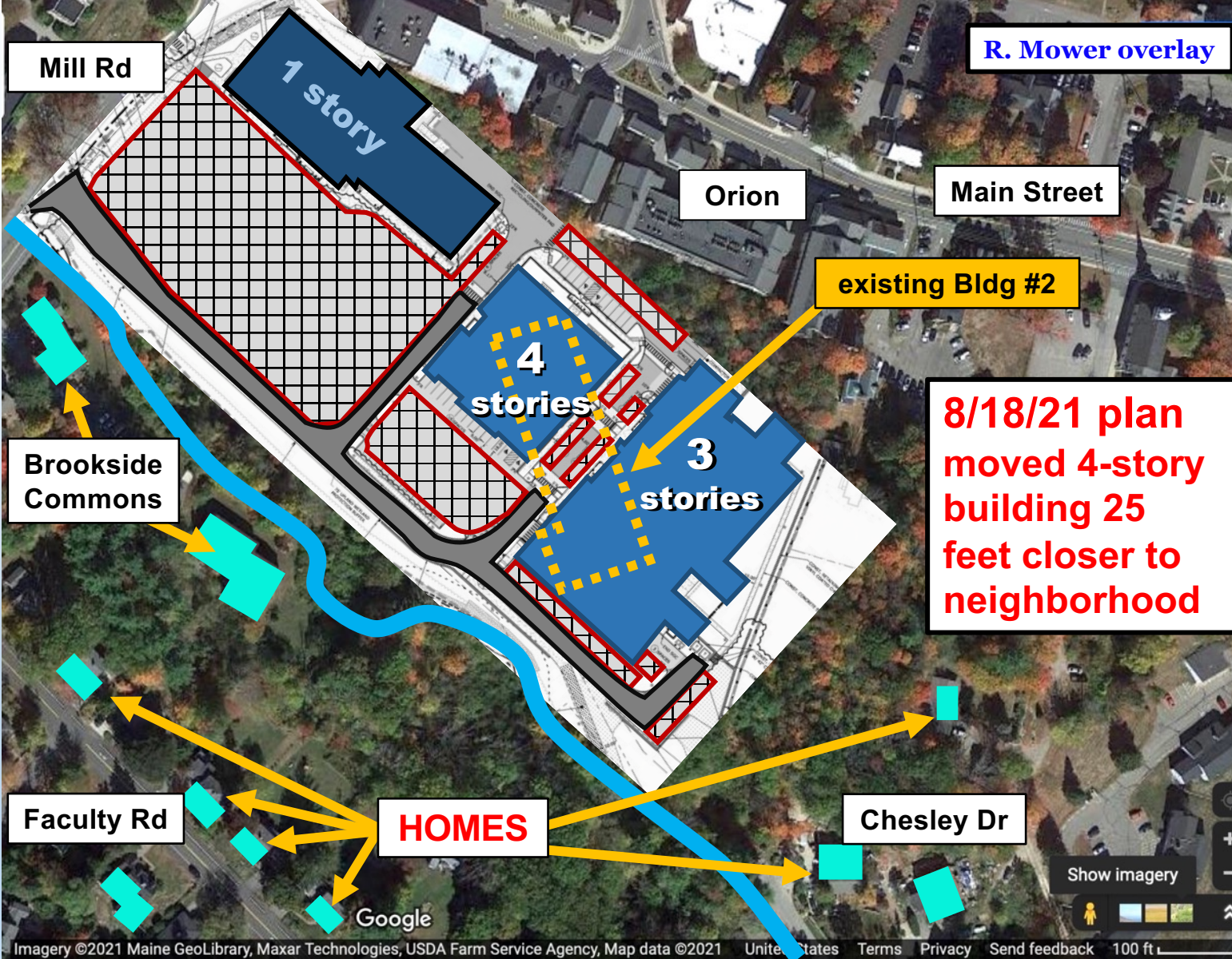
Faculty Rd

HOMES

Chesley Dr

Google

Show imagery



R. Mower overlay

Mill Rd

1 story

Orion

Main Street

existing Bldg #2

4 stories

3 stories

8/18/21 plan moved 4-story building 25 feet closer to neighborhood

Brookside Commons

HOMES

Faculty Rd

Chesley Dr

Google

Show imagery

Wrong Location

- Buildings B and C — design is targeted to house a large number of tenants of a demographic that is known to have a lifestyle “fundamentally incompatible with families”

(as former Police Chief Dave Kurz often commented)

- These buildings would be placed adjacent to single-family neighborhoods
- This would be the ONLY place in Durham where that would be the case

Alternatively . . .

“Transition Zoning”: Conceptual

- Where two zones dedicated to *entirely different uses* abut — not to mention *intensities of use*, the Planning Board must consider ways to reduce negative impacts
- Some municipalities adopt “transition zoning”

“Transition Zoning”: Conceptual

- Purpose: To smooth transition between dissimilar adjacent land uses
 - Reflects orderly development of land use, e.g., follows a “transect” concept of density
 - may include specific performance standards
- Compatibility includes location, but also:
 - types and intensity of uses
 - building and site design
 - traffic impacts

“Transition Zoning”: Conceptual

- Options and approaches: examples
 - Impact reductions (size of buildings, number of employees or residents, types of uses, traffic patterns or calming measures, etc.)
 - Buffers (types of uses, natural features, landscaping)
 - Performance standards
 - Hours of operation adjusted as mitigation

**Durham has no explicit
“transitional zoning,” but . . .**

“Transition Zoning” Is Implied

- Durham uses these tools for the same purpose
 - Conditional Use
 - “Mixed-Use” categories and locations
 - Architectural Design Standards
- Building design should support transitions to:
 - Church Hill historic and historic-style buildings
 - Main Street businesses: today and in planning vision
 - residential neighborhoods (Cowell, Faculty)

Architectural Design Standards

Scale and Massing: Human scale + Setback of top story

“Buildings shall above all possess a human scale, both in terms of their overall size and in their details and materials, in order to promote a sense of pedestrian friendliness.”

“. . .buildings shall not be so tall as to create a canyon effect and be out of scale with the human form and surrounding buildings”

“. . . Additional height/stories can be mitigated by techniques such as setting back the top story(ies).”

Topography of the location (vs. neighbors)

Transitional Design

Durham's Conditional Use Criteria

4. Character of the buildings and structures:

The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the **scale, height, and massing of the building or structure, the roof line**, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.

Without “transition zoning,” shouldn’t the “test” be to ensure that the impacts will not affect the portion of the neighborhood that is **least** like that of the proposed development (as in, “do no harm”)?

Site and Building Design Are “incompatible with the established character of the neighborhood” . . .



Site plan
March 10, 2021

between Bldg A & B looking east to Bldg B

Site and Building Design Are “incompatible with the established character of the neighborhood” . . .



Harriman to PB
8/26/20

Incompatible Scale, Height, Mass, Roof

Abutting Brookside Commons & Faculty Road

proposed Building B, March 10, 2021

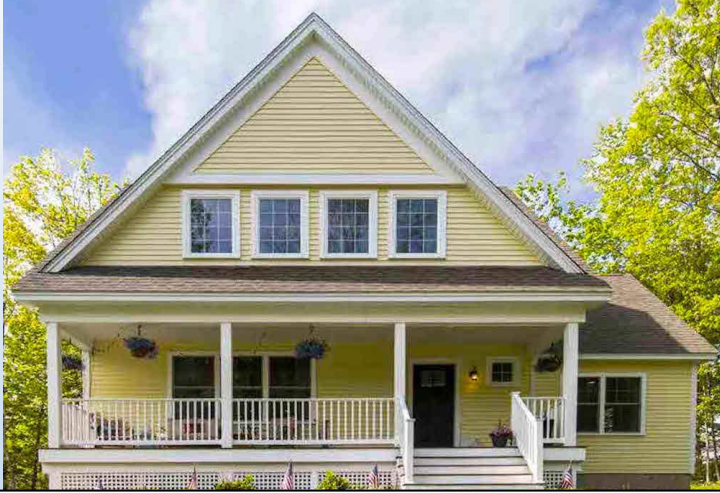


**Brookside Commons, 55+ condos
front building**

11 Faculty Road

Scale of abutters is approximated, but Building B appears destined to be more than twice the height of abutting Brookside Commons

Incompatible to the Southeast



homes on Chesley Drive



More Homes on Chesley Drive



and on Smith Park Lane



Chesley Drive
abutter

Incompatible to the South



homes on Faculty Road



More Homes on Faculty Road . . .



Faculty Rd abutters



Faculty Rd abutter



. . . and More Homes on Faculty Road



Incompatible to the North



... even with a butter Orion, on Main Street



Incompatible to the North



... any which way you look at it



photo courtesy Campus Flats

Incompatible to the North

... with these Main Street neighbors, as well



Madbury Commons: A Different Story



Located north of Main Street but among structures of more comparable mass, style, and use

Topography helps hide the mass:
The tallest building is on the lowest part of the site.





Why Madbury Commons "works": It "fits." It's among OTHER massive structures, NOT next to a single-family neighborhood



... more Madbury Commons abutters and "neighbors"



... yet more Madbury Commons abutters and “neighbors”

External Impacts

Durham's Conditional Use Criteria

3. Character of the site development:

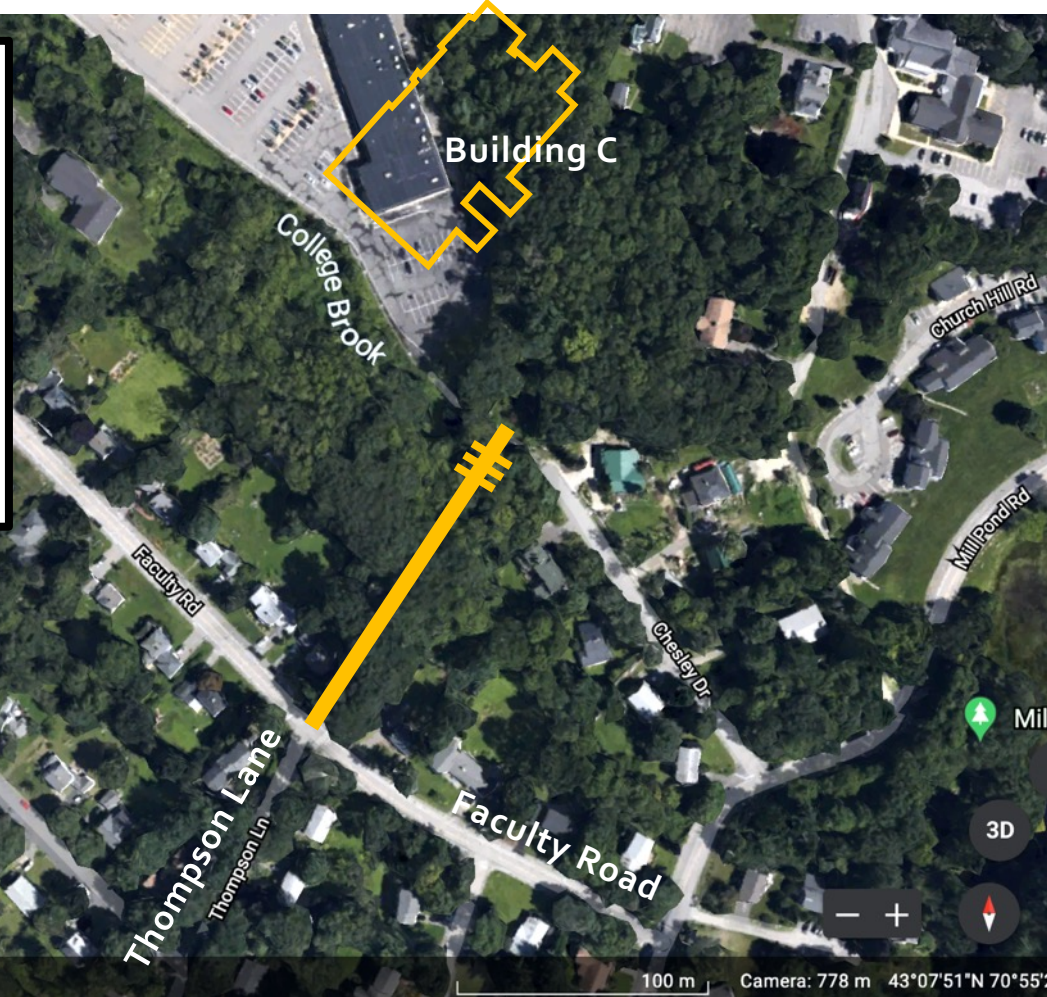
The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood **and shall mitigate any external impacts of the use on the neighborhood.** This shall include, but not be limited to, the relationship of the building to the street, **the amount, location, and screening of off-street parking,** the treatment of yards and setbacks, the **buffering of adjacent properties,** and provisions for vehicular and pedestrian access to and within the site.

What, and where, is the mitigation?

Character of the Neighborhood

“cherished” – “magic” – “a hidden charm”
– “heavily used” – “bulwark of property values and child-friendly atmosphere” –
“key conduit for our children” – “one of the great features that attracted us to buying a house nearby” – “children and residents walk through the plaza to go to school and to visit Durham businesses” –
“a treasured feature of the neighborhood”

Footpath: Mill Plaza ↔
Faculty Neighborhood



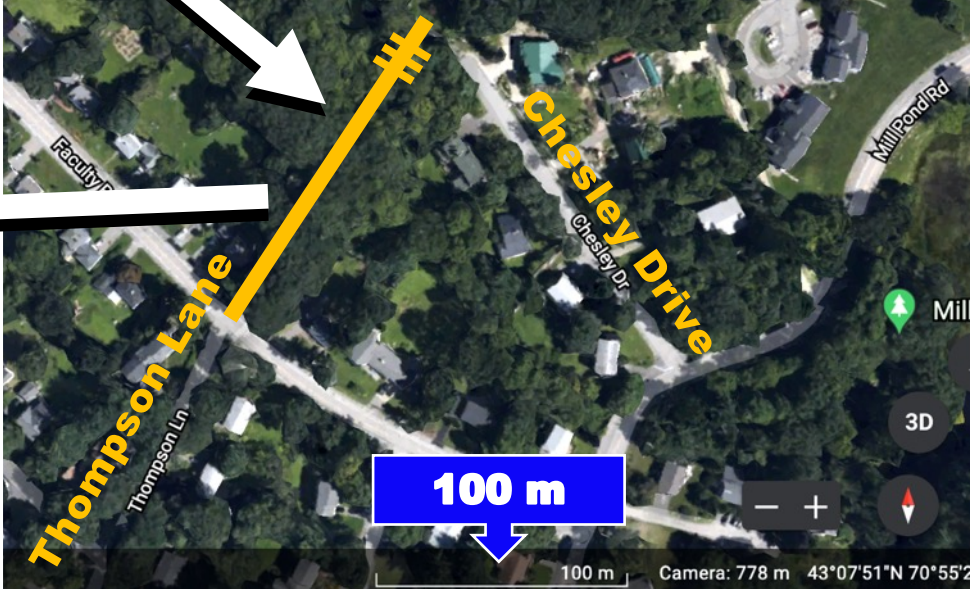
Engelhardt

Footpath: Mill Plaza ↔ Faculty Neighborhood

Shortest route from eastern Faculty Neighborhood = FOOTPATH



footpath Faculty ↔ Plaza, April 21, 2013



100 m Camera: 778 m 43°07'51"N 70°55'2

Neighborhood: A Sense of Place

What elements foster it?

👍 walkability – attractive, convenient

- ✓ connections to services and desirable places
- ✓ footpath

👍 neighbors one knows

- ✓ neighborliness
- ✓ security, safety



Would this project enhance a sense of place and community, i.e., would it enhance the neighborhood?

How would its character be **compatible with the neighborhood — as required by the zoning ordinance in 175-23. Approval Criteria?**