
Restoration Plan: Buffer to College Brook & to Faculty Neighborhood

Site Plan and Conditional Use Permit Review,
Mill Plaza / Colonial Durham Associates

For the Planning Board, Durham, NH
February 3, 2022
by Robin Mower

College Brook Buffer: A Promise from 2014

The public hearing for Design Review opened on October 22, 2014. Adam Wagner, architect for DeStefano Architects, then part of the Colonial Durham team, presented the plan. Minutes reflect:

Mr. Wagner said...another recommendation was to protect College Brook, which was not in the best of health. **He said they proposed to pull the asphalt away from the brook and create a larger buffer and management plan that included the appropriate vegetation to protect it.**

It was not until May 19, 2021—six and a half years later—that the Planning Board forcefully expressed interest in seeing a plan that would provide more buffer.

After years of telling the Board that it had done as much as it could, CDA then finally returned with a plan that approached what in 2014 it had said it would do.

What's required? What's allowed?

Screening, Landscaping in the WCO Buffer

Site Plan Regulations, September 9, 2015

5.9.1 Where nonresidential uses and/or off-street parking facilities abut a vacant lot in a residential zone or an existing residential use, the perimeter shall be screened to provide physical and visual separation from the residential zone or use.

Zoning for the Wetland Conservation Overlay District permits the following:

“(A) 1. The planting of native or naturalized species and wetland vegetation as identified in “The United States Fish and Wildlife Service National List of Plant Species that Occur in Wetlands: New Hampshire” within a wetland and native or non-native, non-invasive vegetation in the upland buffer in conjunction with the landscaping of lot;”

175-60. Permitted Uses in the WCO District. (June 16, 2014)

October 12, 2016 Planning Board

Town Councilor: Buffer to Neighborhood Is Important

A Town Councilor who participated in the Settlement Agreement stated that a buffer to the residential neighborhood is important, regardless of the presence of College Brook.

MEMBERS PRESENT: Andrew Corrow, Chair; Barbara Dill; Paul Rasmussen; Councilor Jim Lawson, Council Representative to the Planning Board; Wayne Lewis, alternate; Bob Brown, alternate.; Councilor Alan Bennett, alternate Council Representative to the Planning Board

MEMBERS ABSENT Bill McGowan, Vice Chair; Lorne Parnell

VIII. Zoning Ordinance Amendments. Numerous miscellaneous amendments are being proposed to the Zoning Ordinance based upon earlier discussions by the Planning Board, issues that have been raised in recent years, and a review of the ordinance by the Town Planner....

/.../

175-59. Applicability. [relating to the Wetland Conservation Overlay District]

2. An upland buffer strip adjacent to each wetland subject to the provisions of this district as identified in 1. above. The width of the upland buffer strip from the reference line of the wetland shall vary with the type of wetland as follows: ...

Councilor Jim Lawson: “Why did I vote for [the Settlement Agreement] with the Council? It wasn’t for the buffer to the brook. It was **increasing the buffer to the residential area on the other side of the brook. If the brook wasn’t there, it, we’d still, that was my reason.”**

College Brook Buffer: Two Goals

Goal #1. Protection of water quality in College Brook

See other documents:

- [Updated Site Plan 12-1-21](#)
 - Restoration Plan, Sheet C702
- Dr. Tom Ballestero's submissions to Planning Board and Conservation Commission
 - [Recommendations for Stream Improvements to College Brook 5-25-20](#)
(Received 10-29-20)
 - [Mill Plaza Redevelopment and Relationship to College Brook 6-21-18](#)
(received 11-12-20)
- [January 4, 2021 Conservation Commission Recommendation to the Planning Board](#)
- minutes of Conservation Commission meetings: [November 23, 2020](#); [December 9, 2020](#); [December 28, 2020](#); [January 4, 2021](#)

Goal #2. Screening from residential neighborhood

See below slides

Harriman Presentation June 27, 2018 (May 23, 2018 site plan)

Rendering Looking North: “Standing in the Brook”*

[Applicant's Presentation 6-27-18](#)



This image is the only rendering submitted that shows the entire width of the redevelopment. It would take SOME buffer to screen this visually from Brookside Commons and Faculty Road, let alone to screen the sounds of increased intensity of activities.

Subsequent changes to Building B make visual and acoustic buffering even more challenging:

- (1) height: 4 stories instead of 3
- (2) location: closer to College Brook
- (3) patio for outdoor dining on south side

* Harriman architect Sharon Ames, [6/27/18 Planning Board meeting on DCAT](#)

Buffer to Neighborhood: Existing Conditions

Existing Conditions

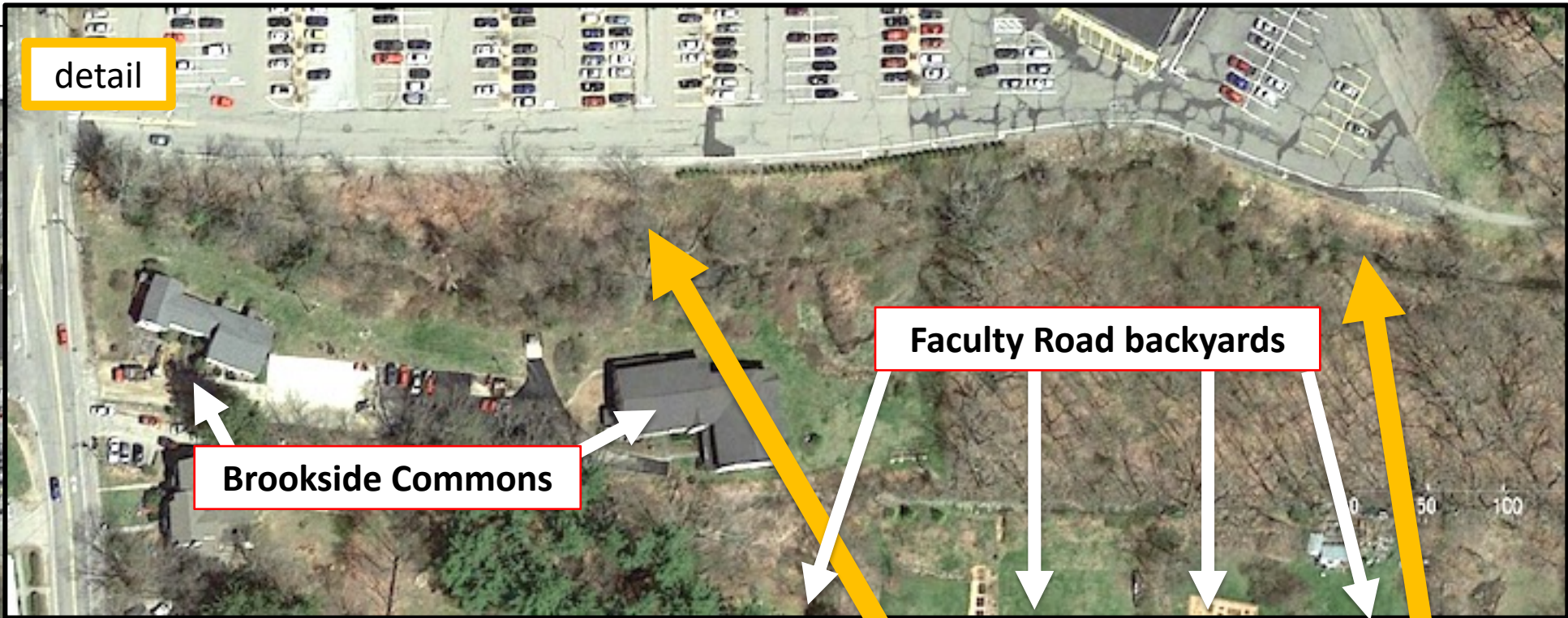
Durham Mill Plaza



Harriman

Prepared for Colonial Durham, Associates, LP

June 2017



detail

Brookside Commons

Faculty Road backyards

no foliage 6 months of the year

Harriman, June 14, 2017 presentation

June 24, 2020 Planning Board

White Appraisal: Screening from Neighborhood?

MEMBERS PRESENT: Paul Rasmussen, Chair (in person); Lorne Parnell, Vice Chair (in person); Richard Kelley, Secretary (remotely); Barbara Dill (remotely); Bill McGowan (remotely); Jim Bubar (in person); Mike Lambert, alternate (remotely); Heather Grant, alternate (remotely); Sarah Wrightsman alternate; Sally Tobias, Council Representative to the Planning Board (in person); Jim Lawson, alternate Council Representative to the Planning Board (remotely) [[minutes](#)]

/.../

Carol Birch, Garden Lane said Mr. White did his evaluation during the summer when the leaves were out. She asked if he considered what the visual barrier would be when there were no leaves.

Chair Rasmussen asked if a seasonal adjustment went into the appraisal. Mr. White said he was familiar with how the College Brook area thinned out in the fall/winter, and said this was included in his analysis. **He said his conclusions wouldn't change if the trees was bare 12 months out of the year.**



Instead of screening, we see cars and deliveries.
(view from 11 Faculty Road; photo taken Nov. 21, 2007)

June 24, 2020 Planning Board

White Appraisal: Screening from Neighborhood?

MEMBERS PRESENT: Paul Rasmussen, Chair (in person); Lorne Parnell, Vice Chair (in person); Richard Kelley, Secretary (remotely); Barbara Dill (remotely); Bill McGowan (remotely); Jim Bubar (in person); Mike Lambert, alternate (remotely); Heather Grant, alternate (remotely); Sarah Wrightsman alternate; Sally Tobias, Council Representative to the Planning Board (in person); Jim Lawson, alternate Council Representative to the Planning Board (remotely) [[minutes](#)]

/.../

Robin Mower, Britton Lane, ...noted that she lived for many years at 11 Faculty Road, and said some PB members did a site walk that included standing on her back deck and looking at Mill Plaza. She said that was in the summer, but said she said [sic] she also provided some **photos, when there were no leaves on the trees. She said they showed a diametrically opposed view to what had been presented in the appraiser's report.**

She said visual screening for a few homes on Faculty Road couldn't possibly mitigate the view, even with the best plantings Colonial Durham initially said they would plant. She questioned whether Mr. White knew the recent landscaping plan. She also said his report ignored the enormous open parking lot, which carried voices long distances late into the night. She spoke about her experience concerning this. She said the quality of life referenced by the neighbors was a component of property values, and said that was completely missing in the analysis. She said the lifestyles of students were fundamentally incompatible with those of families. /.../

Mr. Bubar said Mr. White's assessment mentioned in a few places an additional natural buffer facing College Brook. He said he didn't remember seeing anything about that on the landscaping plan or any place else.



Instead of screening, we see cars and deliveries.
(view from 11 Faculty Road; photo taken Nov. 21, 2007)

No Visual Buffer Much of the Year

View from abutter on Faculty Road



No screening foliage for 6 months of the year

Grange before move

College Brook

April 16, 2007

No Visual Buffer Much of the Year

View from a butter on Faculty Road



No screening foliage for 6 months of the year

Delivery truck

College Brook

November 21, 2007

No Visual Buffer Much of the Year

View from abutter on Faculty Road



No screening foliage for 6 months of the year

Orion

parking lot

February 10, 2016

No Visual Buffer Much of the Year

View from abutter on Faculty Road



No screening foliage for 6 months of the year

Orion

parking lot (see school bus?)

February 10, 2016

No Visual Buffer Much of the Year

View from Faculty Road sidewalk



No screening foliage for 6 months of the year

Libby's

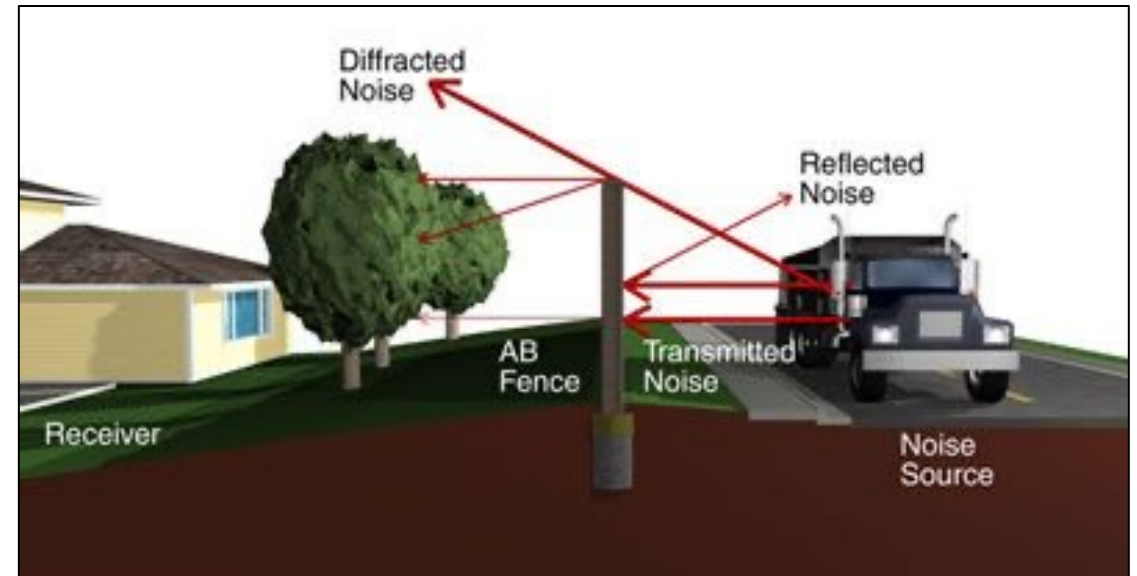
Building A

February 10, 2016

Neighborhood Buffer: What Is Needed? What Works?

What needs screening? Visual and acoustic buffer for:

- Delivery trucks, which arrive (and leave) early (e.g., Rite Aid, 5AM)
- Garbage trucks
- Restaurant patrons coming and going (Bldg B faces neighborhood)
- Gatherings on restaurant patio after hours



Elements of an effective buffer:

- Density of vegetation OR solidity of barrier, i.e., no gaps
- Height of vegetation
- Material of barrier (absorption, rather than reflection)

Neighborhood Buffer: What Will the CDA Plan Accomplish?

“As is true with a number of other zoning refinements, factual information is badly needed on the visual value of buffer strips. Few studies of their influence on land value or their success in ameliorating what would otherwise be an incompatible juxtaposition of land uses have been made. No one can quarrel with the idea that landscaping improves appearance. **The real question is whether in a given situation it can solve a basic incompatibility, or whether its effects are only marginal.**”

[“Zoning Buffers: Solution or Panacea?”
American Society of Planning Officials
PAS Report 133, April 1960.]

How long will the vegetation provide its intended function?

(Also: Deer May Love the Restoration Plan)

Background

- **Deer roam** between the Plaza and the Foss Farm Neighborhood, ravaging even gardens close to houses en route.
- The southern, wooded “panhandle” area of the site is part of a larger stretch of woods toward Mill Pond.
- **Brookside Commons** routinely sees deer in that wooded panhandle.
- Daylilies in my back and front yards at 11 **Faculty Road** were routinely devoured. No one on Faculty Road plants tulips, having learned from experience.
- Former neighbors at 15 Faculty Road noted that as many as **7 deer routinely slept in their backyard.**

How long will the vegetation provide its intended function?

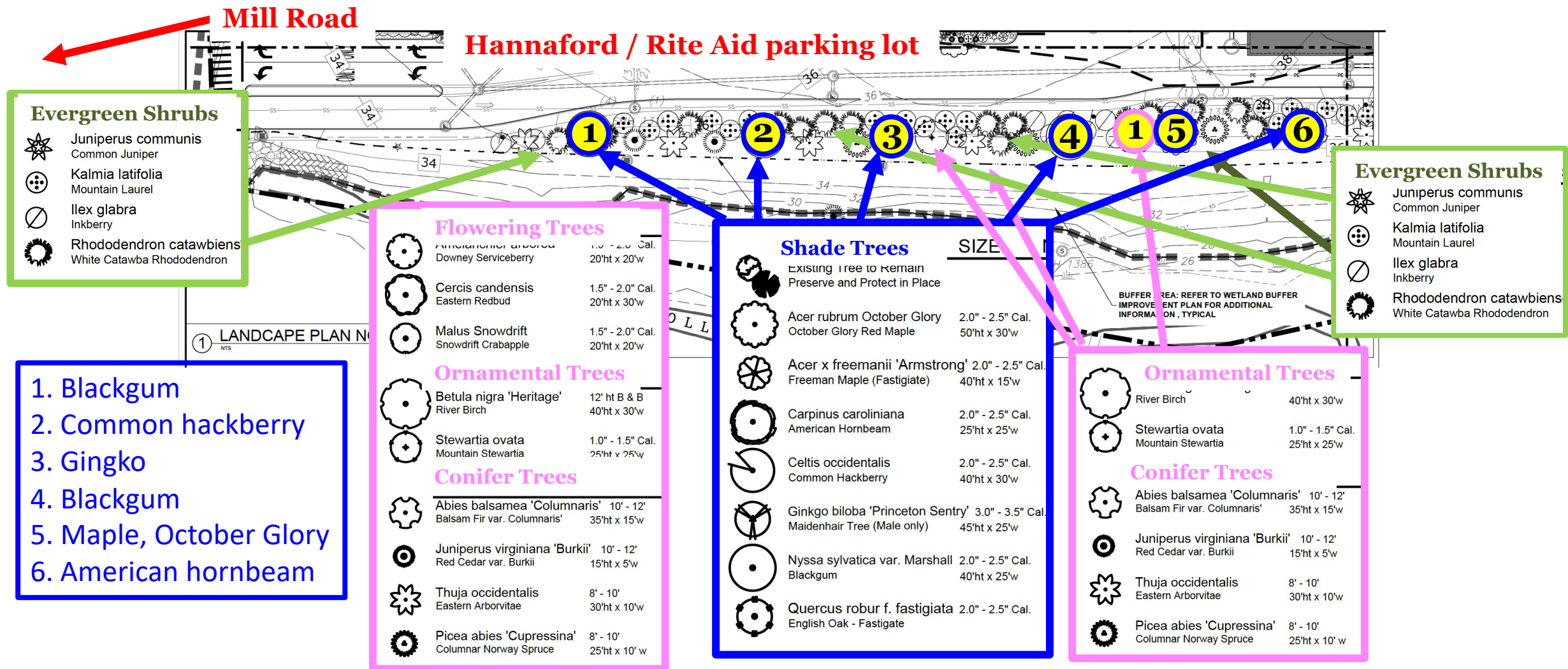
Deer May Love the Restoration Plan

Species proposed that are attractive to deer

- **Eastern arborvitae** (“American arborvitae”: 9 on plan) and **rhododendrons** (21 on plan) are particularly vulnerable to deer predation, even if near a road or traffic. Both species are frequently severely damaged. “If you like the appearance of arborvitae and want a shrub that deer won’t eat, your best bet is Eastern red cedar (although they may still nibble on the lower foliage),” notes Rutgers ([Landscape Plants Rated by Deer Resistance](#)).
- **Cultivated daylilies**, such as the proposed Lemon Lily (34 on the plan), are deer treats. (Deer ignore wild daylilies (*hemerocallis fulva*), also proposed.)
- **Rhododendrons also require other conditions** such as moist organic soil, protection from sun, wind, and road salt. **Dogwood**: Gray (“Panicked”) Dogwood [may occasionally be severely damaged by deer](#).

Buffer Plantings, excerpt

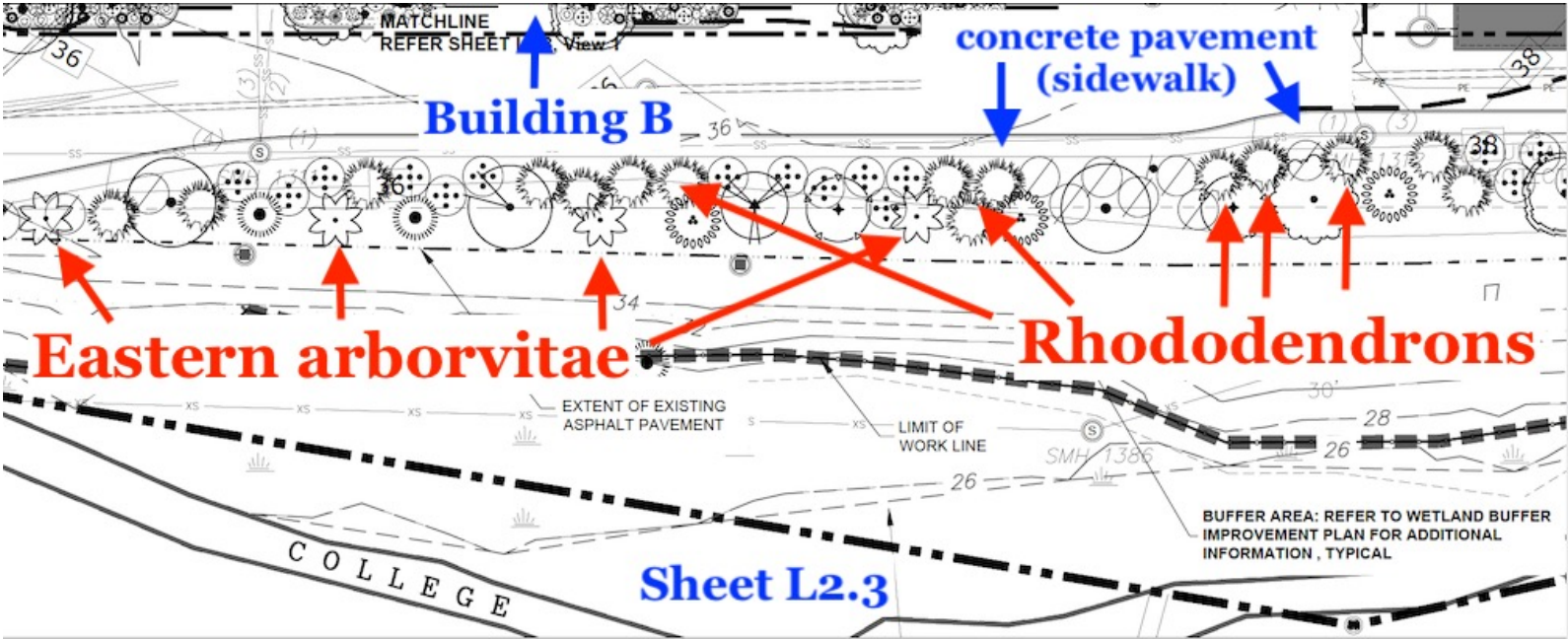
Sheet L2.3, top: "Landscape Plan Northeast"* (toward Mill Road entrance)



* mislabeled; should be "Southwest"

Buffer Plantings, excerpt

Sheet L2.3, top: "Landscape Plan Northeast" – south of Building B



excerpt toward SW section of the proposed buffer

Reference: [December 1, 2021 updated site plans](#)

Buffer Plantings, excerpt

Sheet L2.3, top: "Landscape Plan Southeast" (toward Chesley Drive)

