

— **POLICE REVIEW OF REVISED PLAN** —

February 8, 2022

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, drive-through facility for bank, and activity within the wetland and shoreland overlay districts. Colonial Durham Associates, property owner....Central Business District. Map 5, Lot 1-1.*

Dear Members of the Board,

Having waited in vain for the Planning Board to ask the Durham Police Department to review the revised proposal, **I ask you to do so even at this “eleventh hour.”** Why?

Retired Chief Dave Kurz last weighed in on [November 6, 2019](#) (on the October 28, 2019 site plan). His “Final Comments” include:

The continuous addition of students living in the downtown area, even with well-managed oversight, presents challenges for the Durham Police Department. It is hope [sic] that I have adequately conveyed that the age group that will be residing in this complex present inherent policing challenges to a small law enforcement agency such as Durham.

Since then, the applicant has submitted a proposed property management plan. The site plan itself has changed:

- Building B is closer to College Brook
- Building B positions a restaurant with a 22-foot-deep outdoor seating (patio) closer to the Faculty Neighborhood (see screenshots below)

Furthermore, a proposal to create a large parking lot on adjacent Church Hill now looms. (When would be the “right” time to consider the implications for Mill Plaza?) Access between the two sites would be all but certain, with further easy access to Smith Park Lane, which leads to the Faculty Neighborhood and its student rental properties.

Other residents have also wondered whether the police department intends to weigh in on the revised Mill Plaza plan—of particular interest since Deputy Chief David Holmstock's [August 31, 2021 concerns](#) regarding a proposed late-night food truck at the Mill Plaza site.

***Questions the Durham Police Department might consider in addition to review .....***

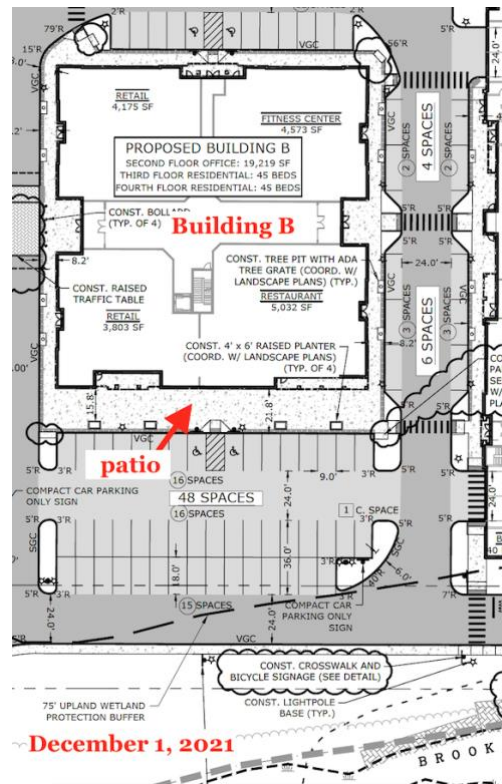
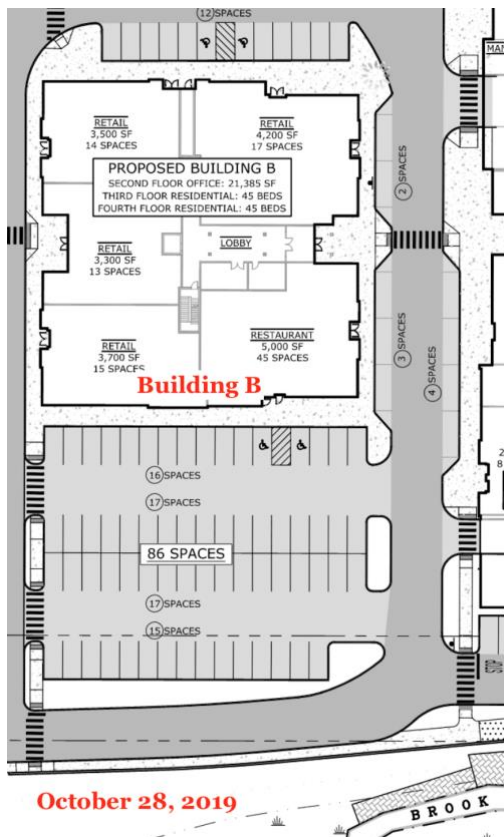
Would the DPD encourage the Planning Board to:

1. Require a certain number of onsite security personnel during specific hours and days?
2. Limit hours of operation for Plaza businesses that offer late-night food and/or drink?
  - In 2004, Chief Kurz-initiated an amendment to the Town Code regarding hours of operation for restaurants, which was dropped only after five Council meetings and

discussions with business owners. The impetus for that initiative was stress on officers as drunken behaviors continued well into the early morning hours. (See below for excerpts from Town Council minutes.)

- Last August, Deputy Chief Holmstock submitted a letter of on behalf of the DPD detailing concerns relative to an application to locate a late-night food truck at Mill Plaza. Would the DPD wish to make suggestions to forestall any of these concerns associated with the pending site plan application?
3. Advise Colonial Durham Associates to include something like the below prohibition?
- Consumption of alcohol must be in compliance with all federal, state, and local laws. No alcohol containers are permitted on the Premises which are larger than one gallon. Consumption of alcohol is prohibited in all common amenities and interior hallways. **Keys are not permitted anywhere on the premises. Keg cooling devices are also prohibited....** [Madbury Commons Community Rules and Regulations (8/1/17)]
4. Require that whoever becomes the landlord for the residential buildings at Mill Plaza regularly attend Durham Landlord Association meetings?

See below: Screenshots from site plans Sheet C-102 showing Building B: [October 28, 2019 version](#) on the left, [December 1, 2021](#) version on the right.



Next page: Proposed ordinance to limit hours of operation, initiated by Chief of Police.

On July 12, 2004, the Town Council agenda included this item:

**First Reading on Ordinance #2004-06: Amending Part II “General Legislation” of the Durham Town Code by creating a new chapter, Chapter 34, entitled “Restaurant and Carryout Establishments Hours of Operation.”**

The Ordinance was initiated by Police Chief Dave Kurz out of concern for the burden on his staff. After several Town Council meetings (including public hearings), the proposal was dropped (after discussions with business owners, among other reasons). Minutes reflect:

Chief Kurz said he had provided the impetus for this ordinance. He said the Police Department was challenged by the fact that after the local bars closed, hundreds of people from those bars and from elsewhere - dorms, outside of town, etc., arrived downtown to socialize. He said these people circulated around the three restaurants downtown that were open until they decided to close.

He said it was difficult to manage this situation, noting it was the quality of the behavior of the people there, - predominantly intoxicated people, not the quantity of people there that was the problem. He said this kind of ordinance was not unusual, noting Hampton Beach had something similar. He said the Police Department could handle the situation until 2:00 am, but shouldn't have to do so later. He said officers often had to be there from 3:00 to 5:00 AM, and these were the same officers that had to come back and do it again the next day. He said this was not a money issue, - he simply didn't have the officers to give for this. He said it was a logistics issue, trying to balance the needs of the community and the needs of the department.

Regards,

Robin