

January 6, 2022

Dear Members of the Planning Board:

I am writing to comment for the first time in several years on the proposed redevelopment of Mill Road Plaza. As a professional planner, I must admit to being mystified at how the Planning Board could interpret that this project, as currently proposed, meets the requirements for a Conditional Use permit for mixed-use with residential under Durham's zoning ordinance. To receive a Conditional Use permit an application must comply with all eight of the criteria identified in the zoning ordinance. If the application fails to meet any one of the criteria it must be denied.

Having reviewed the applicants' materials and much of the citizen and expert comment on the town website, I'd suggest that the application fails to meet at least four of the eight criteria:

Criterion #2 – External Impacts. Noise is one of the key external impact types specified under this criterion. As far as I can see, there has been no study of noise impacts to be caused by the proposed development on the adjacent residential neighborhood.

The traffic study focused on *off-site* automobile and pedestrian travel, but the very limited pedestrian component focused on pedestrian impacts only on traffic congestion on adjacent roadways. There was no attention to the noise that would be generated by 258 resident students and companions coming and going across the site and into adjacent neighborhood paths and streets all day and into the evening and nighttime hours. Late night student activity generating significant noise, particularly on weekend nights, is well documented at Madbury Commons student housing complex and other areas of downtown, but those sites are far from single-family neighborhoods and senior housing.

My family, including my wife and two young children, live in the Faculty Neighborhood. Our home is on Croghan Lane, two blocks back from Faculty Road, but we hear noise from students' activities downtown on Saturday nights. This is tolerable now in part because the plaza currently serves as a noise buffer for the neighborhood. The plaza's businesses are mostly closed late at night, and there is a sound buffering forested hillside protecting at least the Chesley Drive neighborhood. All that would be changed with the current proposal, which would pack the site with student housing and remove the sound-buffering hillside.

The Durham Police Department expressed strong concern about increased student activity at the plaza site at night in a letter of opposition to permitting a food truck on the site. Deputy Chief Holmstock's 8/31/21 letter to Michael Behrendt noted that increased student presence in the plaza at night would "*most certainly bring with it the possibility of increased noise...*" and noted that "*Residents living in the Faculty Development may be affected by noise generated by late night crowds or increased foot traffic walking through their neighborhood.*"

It is absurd to claim, as the applicant has, that since students will not be able to park at the plaza site there is no need to study pedestrian or other forms of traffic and noise impacts *on-site* and in the surrounding neighborhood. The occupants of 258 new beds in the proposed buildings will come and go from their apartments multiple times per day, and for many of them this will include late-night activity – especially on weekends. A study of on-site pedestrian and multimodal traffic addressing noise generation is needed before

the Planning Board can reasonably conclude that the proposed development will not have external impacts on the adjacent family residential development on Faculty Road and the rest of the Faculty Neighborhood.

Criterion #4 – Character of the buildings and structures. The massive Buildings B and C are located not on the northern portion of the lot adjacent to the multi-story and multi-unit commercial and mixed-use buildings of Main Street but rather toward the south side of the parcel where they are adjacent to Brookside Commons senior condos and single family residential development along Faculty Road. While a university community needs vibrant areas of student housing, a fundamental practice of planning in a university community is not placing large student housing developments immediately adjacent to family neighborhoods with no transition zone or buffer in between. Robin Mower detailed this point effectively in her letter of 10/6/21.

Criterion #5 – Preservation of natural, cultural, historic and scenic resources. Part of the development is within the 75-foot Wetland Conservation Overlay District conservation buffer for College Brook. To keep this letter to two pages I will simply reference and express support for the extensive resident and attorney input to date on the need to respect the Town's Wetland Conservation Overlay District zoning requirements.

Criterion #6 – Impact on Property Values. The 12/2/21 letter from mortgage industry expert Matthew Meskill effectively responds to the multiple dubious claims in the letter produced by Colonial Durham Associates from White Appraisal dated 6/17/20, and I write in support of Meskill's clear-thinking analysis and point that zero impact on adjacent values cannot be assumed in the absence of a quantitative study using standard paired sales appraisal methodology.

In conclusion, I have four requests of the Planning Board

1. Commission a study estimating noise and other external impacts from on-site and near-site pedestrian activity by the occupants of the proposed 258 new beds and their companions at various times of day and night.
2. Stipulate a quantitative study using established paired-sales appraisal methodology of anticipated impacts of a large scale, high-density student apartment development on property values of adjacent senior condominiums and single-family residential neighborhood.
3. Keep the public hearing on the project open until these studies have been completed and made available for review and comment by the public.
4. Adhere strictly to the Conditional Use zoning criteria that protect our town. The burden of proof that all criteria are met is on the applicant. In the absence of proof that the concerns stated above are misguided, the application should be denied.

Thank you for considering these points and thank you for your service to Durham.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Bogle". The signature is stylized and cursive, with a large initial "S" and "B".

Scott Bogle
4 Croghan Lane