

**GEOFFREY & HEATHER WARD**  
**15 FACULTY ROAD, DURHAM, NH 03824**

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June 24, 2020

*DELIVERED VIA EMAIL TO:*

Contract Planner Rick Taintor [rtaintor@ci.durham.nh.us](mailto:rtaintor@ci.durham.nh.us)  
Admin. Asst. Karen Edwards [kedwards@ci.durham.nh.us](mailto:kedwards@ci.durham.nh.us)

Durham Planning Board  
Town Hall  
8 Newmarket Road  
Durham, NH 03824

Dear Planning Board Members,

We are the owners of 15 Faculty Road, having purchased the property on September 18, 2017. We write in response to the June 17, 2020 letter to the Planning Board from Brian W. White of White Appraisal. Mr. White's letter on behalf of Colonial Durham Associates, LP (hereinafter "CDA") purports to address whether the current proposed redevelopment of the Mill Plaza "would cause or contribute to 'a significant decline in property values of adjacent properties.'"

Given the stated purpose of Mr. White's letter on behalf of the developer, we believe it is important to note at the outset that Mr. White and his business do not hold him out to be an appraiser of single-family residential properties. On the contrary, as White Appraisal states on its website:

White Appraisal specializes in commercial real estate appraising and consulting on various property types including: mixed-use, retail, professional office, multi-family, student housing, restaurants, industrial, research/development, land, service garage, self-storage, and many other property types.<sup>1</sup>

As such, the choice of Mr. White to offer an opinion on the impact of the CDA's redevelopment plan on the value of my single-family residential property and others within the Faculty Neighborhood is questionable at best. The opinion he proceeds to offer in his letter supports our concern that you have been provided a poor work product from an unqualified source given his heavy reliance on his personal opinion, mistaken beliefs, and false dichotomies.

**Mr. White's Reference to 15 Faculty Road**

We express these concerns about the opinion he provided you because he relied heavily on our decision to purchase our home as the basis for his conclusions. Notably, he never spoke with us about the thought process behind our decision, nor the impact the proposed Mill Plaza redevelopment had on that decision. Nevertheless, he cites us as an example (one of only two he provides) as to why the current proposed plan will not impact the value of our property.

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<sup>1</sup> <https://whiteappraisalnh.com/>

In doing so, Mr. White plainly misses the mark and utterly fails to recognize the way in which the proposed Plaza redevelopment has changed repeatedly over the course of many years.

So that you are aware, we made the offer on our house in July of 2017. At the time, the proposed site plan for the Mill Road Plaza was markedly different than the current proposal. The plan at the time, as of June 9, 2017, can be found on the Town's website at:

[https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning\\_board/page/21851/2017-6-9\\_submission\\_to\\_town.pdf](https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/21851/2017-6-9_submission_to_town.pdf)

The plan at that time included more buildings, 6 to be exact, but importantly, when we viewed those plans, the proposed four story buildings were situated on the far northeastern part of the property—closest to main street and furthest from Faculty Road. Notably, there was significant space, by way of a surface parking area, between the rear of our residence and the then-proposed Buildings D1 and D2, which even made the buildings further away from our residence than the current Building 2. That plan also included a bank drive-thru at the site of the current Rite-Aid, and a Rite-Aid drive-thru in then-designated Building E, which was closer to Brookside Commons and significantly further from our residence.

At the time we made our offer, we were aware of the general plan for redevelopment (and that it had already been through a number of iterations and challenges) of the Plaza, and viewed the proposal at the time, with a eye toward the size of the buildings and the proximity of the buildings to Faculty Road. While we certainly had concerns about the proposed project—as well as hopes for an appropriate redevelopment and upgrade of the Plaza, we felt it was at least a significant distance from our residence, and were comforted that the 2015 Settlement Agreement between the Town and CDA included language that the residential beds would be placed in the northern half of the property. *See* Settlement Agreement at pg. 2, para. 1(b).

Therefore, while we certainly had concerns about the redevelopment, we bought our home based on the information we had at the time and in reliance on the above-referenced language in the settlement. We also had faith that in this redevelopment process the Town of Durham would keep in mind the interests of their permanent residents and their quality of life. We hold to that faith today.

The proposal we viewed in 2017 has turned into something far different today. Now, the latest proposal puts the three-story Building C and its 168 beds directly in our backyard. Also part of the proposed Building C, at its southern-most end (closest to Faculty Road), is a 24-hour bank drive-thru. The tallest building in the latest proposal, building B at four-stories, is also much closer to Faculty Road than any of the four story buildings which were proposed in 2017, all of which were on the far northern side of the plaza.

These significant changes clearly were not considered by Mr. White in his evaluation of the choice we made to purchase our home, nor were they considered in his assessment of the impact of the current proposal on our property value.



### **Mr. White's Opinion as to the Impact on the Faculty Road Neighborhood**

In addition to failing to understand our purchasing decision, and failing to recognize the significant shift in the current proposal for 24-hours activity on the southern part of the Plaza property closest to Faculty Road, Mr. White and CDA make a significant number of plainly false assertions that we will address below and which we encourage the Board to address as they each are factors to be considered under the Conditional Use requirements.

#### **Noise Pollution from the Mill Plaza.**

Mr. White states in his letter that:

The noise from people talking people (sic) would likely increase as there will be up to 2580 new residents located on the parcel. Considering the fact that speaking voices make much less noise than vehicles accelerating and braking, and the fact that most of the single family homes are not located within speaking voice range, the overall noise change from these three causes would likely be minimal.

While we assume that his reference to 2580 residents was a typographical error and he was actually referencing 258 new residents, his statement nevertheless lacks merit. From our home, under typical current conditions, the delivery and vehicular traffic at the Mill Plaza does not cause a disturbance and is minimal. The college students, however, while on Main Street or in the downtown area can be heard clearly from our residence at Faculty Road. Surely if we are able to hear the noise from people lined up outside of Libby's or Scorpions on Main Street, we will be able to hear the noise from the 258 new residents who will be living right in our backyard, 24-hours a day, and the vehicular traffic that will certainly accompany the residences, as well as that created by a 24-hour bank drive-thru. As we are sure most of you are aware, the current businesses in Mill Plaza are not open 24-hours a day and therefore the noise from business activity ends during reasonable business hours. In fact, as we write this letter in the early evening, any noise from the Mill Plaza has all but subsided, which is typical even when the University is in session. There is no logic that would say that that would be the same with large-scale dormitories on the southern edge of the Plaza. The proposed increase in noise pollution, all day every day, surely is not in keeping with the impact of the current Plaza and would therefore violate the Conditional Use criteria.

Nevertheless, Mr. White lists the Madbury Commons development on Madbury Road as an example of a similar property where exterior noise is almost eliminated. The idea that there is no noise from the student residents at Madbury Commons is simply untrue. By way of example, we recently went to pick up curbside takeout from the Hop & Grind restaurant located in the Madbury Commons development and, despite the fact that school is not in session due to COVID-19, while waiting in our car there were several college students screaming out of the windows to other college students gathered below, using profanity and typical college student language.

Given the discussion of the college students and the impact of the proposed development, it's appropriate to also address Mr. White's statement that "the Town of Durham is generally considered to be a welcoming progressive community. It isn't one that would likely discriminate against a group of people simply based on their age and or occupation (college employee or college student)." Such a statement which equates opposition to this redevelopment plan with discrimination against college students misses the mark completely and is plainly offensive.<sup>2</sup>

While we enjoy the activity of downtown Durham's college environment and have no complaints and rather expect this behavior in the right setting, when it is moved into our backyard our children are then exposed to it on a regular basis. While we chose to live in Durham, near downtown, and near campus, we did not choose to live *on* campus. This proposed redevelopment would serve to make that the reality of living on Faculty Road. And that new reality, if it should come to be, will further devalue the entire Faculty Neighborhood. The residences on Faculty Road will become student rentals, because there won't be any families that will want to live in such close proximity to what amount to dormitories. That trend will slowly creep further and further south through the Faculty Neighborhood until it loses its character completely.

#### Visibility of the Mill Plaza from Faculty Road.

Mr. White's statement that "[b]ecause of the increased height of the new buildings, the property may be more visible from those properties that currently have some view of the subject property" is quite the understatement. Deciduous trees line our property and are the only thing that blocks the view of the current Mill Plaza. For most of the year when there are no leaves on the trees, we are able to see the signs for the Mei Wei restaurant and the Rite-Aid, which are both housed in single-story buildings. During the late Spring and Summer our view is obstructed by the trees. The proposed Building C would be substantially closer to our residence than Mei Wei, and is three stories tall. Building B is four stories tall, and closer to Faculty Road than any of the four-story buildings in prior proposals. Both buildings would not only be clearly visible from our backyard for a majority of the year, they would quite literally loom over our backyard and the other residences on Faculty Road. Even the CDA cross-sectional renderings make clear that the scale of the proposed new buildings, in conjunction with their close proximity to Faculty Road makes that clear.

This Board must take into account the vastly different scale of this proposed redevelopment and its undeniable 24/7 impact on the Faculty Neighborhood. Nowhere in the Town of Durham does such a large student housing complex immediately border single-family residences. While Mr. White repeatedly references the Madbury Commons development, such a comparison is inapt and its absence is striking when Mr. White discusses comparable scenarios in town. Most notably, he cites Mr. Rice's statement that there "has not been any diminution in the value of

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<sup>2</sup> It is also an interesting accusation coming from Mr. White, who, in a 2017 letter to the Planning Board found at: [https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning\\_board/page/47051/letter\\_from\\_donahue\\_tu\\_cker\\_2-3-17.pdf](https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/47051/letter_from_donahue_tu_cker_2-3-17.pdf) opined that a proposed zoning ordinance amendment entitled "elderly housing up" (which was designed to encourage and facilitate 55-year-old and up residential uses in the CBD) would devalue properties within the CBD. However, we would never suggest that such an opinion—that the presence of elderly residents in the CBD would devalue surrounding properties—should be viewed as discrimination against an actual constitutionally protected class.



single family homes are located nearby a student housing development” as evidence that there will be no impact here. However, what he leaves out of that analysis is any description of where those single family homes are in Durham that are located nearby a student housing development. Where are the properties that meet this criteria? Surely if they existed the Board would have been presented with sales data about those homes like you have been for our home. This is because there are no single family homes in Durham in such close proximity to a student housing development. Madbury Commons borders downtown businesses on one side and sorority and fraternity houses on the other. The complete lack of a comparable scenario should highlight for the Board the extreme nature of the proposal here. No where in Durham are single family homes immediately adjacent to three- and four-story dormitories. Mr. White’s letter implicitly confirms that for you based on his complete failure to provide you with any such comparable. That alone should be enough to give this Board pause and demand that the CDA provide a proposal that meets the conditional use criteria and conforms with what exists in the Town of Durham.

#### Comparison to Alternative Redevelopment

Finally, Mr. White’s letter goes to great lengths to present the Board with a straw man argument, a claim that a different redevelopment could be worse, so we should all be okay with the current proposal. Certainly things could always be worse. We could be faced with a proposal that included sex shops and toxic waste storage. We are certainly grateful that is not what we are dealing with. What is not clear is why the possibility of something worse should make the current proposal acceptable. Is the Board really comfortable with saying to the Town of Durham, to their fellow residents, that we should all be okay with having 258 college students move into our back yard because it could be worse? We moved to Durham expecting and finding a Town that had higher standards than that. This Board is presented with an opportunity to make a decision on the Mill Plaza redevelopment that will forever change the face of Durham and the Faculty Neighborhood. Under such significant circumstances, the Board should rightly demand more of the developer and have a standard of review that goes beyond “at least it isn’t a sex shop” as Mr. White proposes.

This redevelopment should enhance the community, it should include upgrades to the commercial properties. That can be done consistent with the conditional use criteria and with the settlement agreement in a manner that does not place 24-hour businesses and the vast majority of student apartments as close as is possible to the Faculty Neighborhood.

Thank you for your time and the work you do on behalf of the people of Durham. Please do not hesitate to contact us if you wish to discuss our input further.

Respectfully,



Heather S. Ward & Geoffrey W.R. Ward