

Dear Members of the Durham Planning Board:

It is important to me that I tell you that I value and appreciate the hard work that the members of the Planning Board contribute to the Town's governance. Each of you must master an incredible amount of detail and put in many hours of preparation for each meeting, let alone the many long meetings.

However, as I watched the tape of your meeting of April 7 I found your discussion of the Peak Project to be very strange. At the beginning of the discussion, Mr. Behrendt stated that the project, as built, complied with the approved plans, and while some residents are not happy with what are perceived to be differences between Peak's representations of the project's landscaping and the final product, there seems to be nothing that can be done about it now.

He then brought up issues with utility items located behind the Club house. He showed pictures of the area to the board but stated that he had no explanation for why these items were not on the original plan. He stated that some of these items could be handled in his office, but that a large generator required action by the Planning Board. He indicated that some landscape screening could be necessary. It is my understanding this generator was a requirement of the Durham Fire Department as a condition of their approval of the project. The generator was required to provide backup power to the booster pump which was required at the Peak site because the Durham water system is unable to provide sufficient water pressure at this location to meet the minimum needs of the sprinkler system which, of course, is required by the building code. The generator was installed last year in June or early July and no one seems to have objected to it until now. I understand the concept of the developer being responsible to amend the plan to reflect changes, but would it not have been better for Mr. Behrendt, the Fire Department, the Code Enforcement Officer and the Public Works Department to conduct a unified review so as to speak with one Town voice? Such a review process might have eliminated not only this issue, but also might have eliminated other issues which have made the Peak project so adversarial in character. At any rate, now the Planning Board has to act on an administrative change which needs to be made to accommodate an installation which was ordered by a Town department in the course of its code enforcement work, and installed nearly a year ago.

We have made purposeful changes to the Durham zoning codes so as to attract developers to construct more high-value taxable properties. Shouldn't we deal straightforwardly with the developers who have answered our invitation? For that matter, in my opinion, the Peak project, even without the landscaping which is at issue, is nowhere near as intrusive as the construction projects downtown. While I find the appearance of the Lodges retaining wall, which is required to control water runoff, and

the structures of the Peak project which sit above it to be visually jarring, it is no uglier than the rest of the trip from the Lodges into Durham from the west.

The antagonistic tenor of your discussion about the Peak project, as evidenced by the use of the ideas like “we’ll have leverage “(to use for what purpose?), and “withholding permanent certificates of occupancy for the building project” (until Peak does what?), is in my view neither helpful nor conducive to the kind of partnership we should be seeking. We invited developers to build here, and will be very happy to collect their taxes, that is, if they pay their taxes on a project held up by administrative changes.

Maybe it is time to come to conclude that if we want developers to mitigate the effects of their projects, we need to develop a Town-wide coordination plan to make sure we put all of our requirements into the plans at the start of the project.

Sincerely,

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