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January 19, 2021
Via E-mail Only

Paul Rasmussen, Chairman and Members of the Board
Durham Planning Board
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Rick Taintor, Contract Planner
Town of Durham
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rtaintor@ci.durham.nh.us

Re: **Mill Plaza Redevelopment Site Plan and CUP Applications**

Dear Chairman Rasmussen, Members of the Planning Board and Contract Planner Taintor:

This letter responds to that of Rick Taintor, Consulting Planner, dated and received January 8, 2021. Mr. Taintor's letter, in turn, responded to mine of the same date in which I proposed a meeting schedule for completing review of Colonial Durham Associates' (CDA) long-pending Mill Plaza redevelopment applications.

CDA appreciates Mr. Taintor's thoughtful suggestions and, working off of his proposal, offers the following comments:

1. Relative to the proposed January 27, 2021 meeting, the Board's ability to finalize brick selection may require inspection of the samples in the Planning Office. Could we ask that the samples are available to Board members during the meeting?
2. Also, as to January 27, 2021, Mr. Taintor includes "[r]econsideration of prior votes to require peer review". His statement implies that prior votes were taken. To my knowledge, the questions of commissioning additional traffic and fiscal impact reviews have been discussed, but were not the subject of a formal vote. Thus, there is seemingly no action to reconsider. For your record, the applicant views its prior traffic and fiscal impact submissions as having been prepared by qualified experts,

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- based on thorough research and findings, and having yielded credible conclusions. Therefore, CDA objects to any requirement of peer review, extensions of the schedule to accommodate peer review, or requests to reimburse the correlating expenses of the same.
3. Additionally, as to January 27, 2021, and relative to wetlands, buffer management and College Brook, CDA has received the comments of the Durham Conservation Commission dated January 4, 2021. In addition, CDA previously submitted a report entitled "Recommendations for Stream Improvements to College Brook adjacent to the Mill Plaza Redevelopment Project, Durham, NH", prepared by Thomas P. Ballestero and Joel C. Ballestero, dated May 25, 2020. CDA has arranged for Mr. Thomas Ballestero to appear at the Board's January 27, 2021 meeting to present his report and address the Conservation Commission's recommendations.
 4. Relative to the proposed February 24, 2021 meeting, we note that an independent peer review of "College Brook Impacts and Restoration" is referenced. To my knowledge, such a peer review has not previously been discussed by the Board, and, if it had been discussed, would have been premature as Mr. Thomas Ballestero's presentation is first being scheduled for January 27, 2021. I trust the Board will consider the Applicant's expert submission before deciding on whether to engage peer review.
 5. Relative to the proposed March 24, 2021 meeting, and if the public hearing will be closed and deliberations are to commence, CDA requests that consideration be given to final action that same evening. CDA notes that information is best considered and weighed when fresh, and that waiting another month for final action may be unnecessary and inefficient. An April 28, 2021 meeting can be held available, if necessary.
 6. In terms of submissions, CDA has not provided any submission relative to site signage. Instead, it has been CDA's intention to permit signage separately from site planning. Therefore, CDA's signage application for Mill Plaza will be submitted later and based upon the terms of final planning approvals and the requirements of the signage Article of the Durham Zoning Ordinance.
 7. Similarly, the request for a "construction management plan" (CMP) by February 3, 2021 is premature. Typically, such a document would be based upon the terms of final planning approvals and would incorporate considerable input from a developer's general and site contractors. For this reason, CDA would anticipate a

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condition of approval requiring the CMP be submitted to and approved by Town Staff and filed prior to the issuance of any building permit.

8. Likewise, submission of “[p]roposed guarantee amounts” by March 3, 2021 is also premature. Such guarantees, while common, are also based on the terms of final planning approvals and contain considerable input from a developer’s general and site contractors. For this reason, CDA would anticipate a condition of approval requiring the guarantees be submitted to and approved by Town Staff and filed prior to the issuance of any building permit.

Again, CDA appreciates Mr. Taintor’s scheduling suggestions, asks the Board to consider the response provided herein, and looks forward to further discussion at the Board’s January 27, 2021 meeting.

Very truly yours,



Ari B. Pollack

cc: Client
Todd I. Selig, Town Administrator (administrator@ci.durham.nh.us)
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