



TOWN OF DURHAM
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October 12, 2021

Rick Taintor, Community Planning Consultant
Town of Durham
8 Newmarket Road
Durham, NH 03824

Re: Mill Plaza Application

Dear Rick:

I understand that the Planning Board has inquired as to how CDA has come to the board with a proposal that currently includes 258 residential beds. As the board is aware, this number of beds arises from a Settlement Agreement into which the parties entered in 2015, whereby the town agreed to allow up to 330 residential beds on the property.

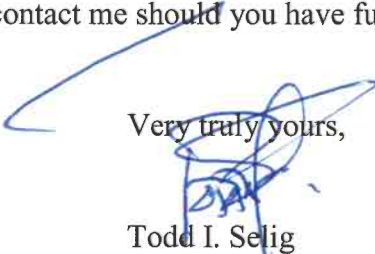
The Settlement Agreement arose from a lawsuit brought by CDA challenging the town's adoption of a zoning amendment which increased the minimum square footage required per occupant from 300 square feet to 600 square feet. After reviewing the merits of that lawsuit with counsel, the Town Council and I determined that the Settlement Agreement was in the town's best interest.

Since that time, CDA has been working with the board to design a project which complies with both the Settlement Agreement and the town's regulations. Through the planning board process, Colonial Durham chose to reduce the number of beds from the permitted 330 to 258.

I wish to note that I have no position on whether the application should be granted. My only desire is that the planning board exercise its best judgment in evaluating whether the application meets Durham's relevant regulations.

Please do not hesitate to contact me should you have further questions in regard to this or any other matter.

Very truly yours,


Todd I. Selig
Administrator