

From: [Firoze Katrak](#)
To: [Karen Edwards](#); [Jen Berry](#)
Subject: Fwd: Mill Plaza matter - request for TC's attention
Date: Wednesday, March 04, 2020 6:49:11 AM

GM Karen, Jenny,

Please make sure that my earlier email to Council with Cc to Taintor (of Feb 25th, shown below) is provided to all Planning Board Members (and posted in Citizens comments) in a timely manner, well in advance of next PB meeting.

Thank you
regards
firoze
603 502 9123

-----Original Message-----

From: Firoze Katrak <fekatrak@aol.com>
To: council <council@ci.durham.nh.us>; todd <todd@ci.durham.nh.us>
Cc: rtaintor <rtaintor@ci.durham.nh.us>; mbehrendt <mbehrendt@ci.durham.nh.us>; jberry <jberry@ci.durham.nh.us>; kedwards <kedwards@ci.durham.nh.us>; laura <laura@mitchellmunigroup.com>
Sent: Tue, Feb 25, 2020 5:07 am
Subject: Mill Plaza matter - request for TC's attention

Dear Town Council Members, Todd,

In the matter of CDA-Mill Plaza redevelopment, there appears to be some confusion at the PB about:

- "whether or not the PB should consider/enforce the Settlement Agreement (SA)?", and/or
- "whether the PB should assume that it is the TC that should enforce the SA, and so the PB should "ignore" it?"

As you know, when the TC entered into the SA, it was with a clear understanding that the PB should/would enforce it as a part of the PB's "normal approval process" and that the TC "would let PB use the SA as one tool among various other tools as a part of its review/approval process".

I request that, at a minimum, the TC should clarify and clear the confusion at the PB; and, make it clear that the SA should be enforced by the PB as a part of the ongoing PB process.

Thank you
regards
firoze
565 Bay Road
603 502 9123
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-----Original Message-----

From: Firoze Katrak <fekatrak@aol.com>
To: rtaintor <rtaintor@ci.durham.nh.us>; kedwards <kedwards@ci.durham.nh.us>
Cc: mbehrendt <mbehrendt@ci.durham.nh.us>
Sent: Mon, Feb 10, 2020 12:45 pm
Subject: Mill Plaza Proposal

Dear Planning Board Members,

I do not envy your difficult task of overseeing the Mill Plaza Application(s) by CDA. You all are grappling with complexities as best as you can, and for that I applaud your ongoing efforts.

As many of you know, I was on the Town Council when the Town negotiated the Settlement Agreement. Along with the then Council Chair and the Administrator, I was also intimately involved with the negotiations of crafting the substance and text of that agreement.

Much water has flowed over the dam since then. I have watched various Plaza proposals evolve over all these years. I have watched the Planning Board grapple the challenges admirably. But the most recent events (current Plaza proposal along with the Toomerfs proposal, and various reactions to these) force me to try to share my perspective. It is only my view, I obviously do not speak for the Town in anyway nor for any other Councilors.

I have absolutely no opinion, pro or con, on the Toomerfs proposal. I comment only on the Plaza proposal, and its indirect linkage to the Toomerfs.

I will let various lawyers address the legal issues. I only briefly share my perspective of what we tried to do through that settlement. In essence, the "spirit" of the settlement agreement was to try to reduce the negative impacts of proposed denser housing on the surrounding family-residential neighborhoods, while also allowing the Plaza to be redeveloped.

It is obvious to me that the current Plaza proposal, which needs the Toomerfs

parking to overcome the veto power of Hannaford, is not conforming at least to the spirit of the settlement agreement. This Plaza proposal is diametrically opposing the spirit of the settlement agreement because it does not even try to contain the impacts on site, but rather spreads the impacts far beyond the Plaza into even more family-residential neighborhoods. This is an affront to the spirit of the settlement agreement. Whether it is legal or not, is up for the lawyers to help you decide.

I wish you all the best in your deliberations.

Thank you
regards
firoze katrak