

From: [RobinM](#)
To: [Rick Taintor](#)
Cc: [Karen Edwards](#)
Subject: Mill Plaza | legal questions | Settlement, land use regulations
Date: Wednesday, February 12, 2020 4:31:15 PM

Greetings, Rick --

Would you please forward this note to the Planning Board, in the hope that the Chair or another member would be willing to bring up the below two questions tonight? Thank you.

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FIRST: On January 27, 2016 -- four years ago -- Laura Spector-Morgan addressed the Planning Board and answered questions from both Board members and the public about the role of the Board relative to the December 14, 2015 Settlement Agreement between the Town and Colonial Durham Associates. Since that time, new members have joined the Board .

Would you please remind the Board -- and the community -- **how the site plan review should proceed relative to the Settlement Agreement?**

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SECOND: The Colonial Durham Associates application raises questions of **nonconformity**, as James Bubar has noted in his letter of November 14, 2019 and as others of us have noted from the get-go five and a half years ago.

Would you please provide the Planning Board -- and the public -- with guidance on how the the zoning ordinance and the site plan regulations dovetail on this issue as pertains to the proposed redevelopment of the Mill Plaza?

Sample text includes:

SITE PLAN REGS, PART 3 (*Limited Applicability* version)

1.1.4 Legally established nonconforming site conditions are considered “grandfathered” until such time as site plan review is required due to proposed changes to a property. The Planning Board shall use the nonconforming provisions in the Town of Durham Zoning Ordinance as a guide in reviewing such situations, to the extent appropriate.

ZONING ORDINANCE as of August 4, 2014 (*vesting version*); see lengthy text.
175-30. Nonconforming Buildings and Structures [particularly D, i.e., in

the WCO and SPO Districts]

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Thank you.

Regards,

-- Robin

Robin Mower

Unless someone like you cares a whole awful lot,
nothing is going to get better. It's not.

-- Theodor Seuss Geisel, author and illustrator

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