

From: Jake Kritzer [mailto:jake.kritzer@gmail.com]
Sent: Monday, November 01, 2021 9:26 AM
To: Paul Rasmussen
Cc: Rick Taintor; Todd Selig; Michael Behrendt; John Nachilly
Subject: Mill Plaza redevelopment

Dear Paul,

Joshua Meyrowitz wrote to me recently to share concerns that the Con Com recommendation on the Mill Plaza redevelopment is being "subverted". I replied that the Planning Board is obligated to solicit and consider advice from the Con Com, which it has clearly done. At the same time, the Planning Board is not required to accept Con Com recommendations, as appears to be the case here. Therefore, although the Con Com might disagree with foregoing the opportunity to implement a more ambitious environmental restoration as part of the redevelopment, strictly speaking that does not constitute any sort of circumvention or subversion of the Con Com.

I wanted to make sure you are aware of Joshua's argument and my response. In doing so, I also want to make it clear that this is my view and not necessarily that of the rest of the Con Com. I advised Joshua that he can raise the issue during public comment at a Con Com meeting, and that other members might see things differently and recommend a different response.

Joshua also conveyed that CDA's lawyer, Ari Pollack, has been citing comments I made early in the Con Com deliberation on this issue about the "fairness" of including more ambitious environmental restoration as part of the redevelopment. I have not checked the DCAT recordings to verify this, and rather am taking Joshua at his word, in part because that argument was raised by CDA when myself and other Con Com members joined the Planning Board meeting earlier in the year to discuss this. I want to be very clear on my personal position here.

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I raised the question of fairness as just that: a question, or topic for discussion. Subsequently, I have resolved that question for myself and conveyed my position quite clearly, including during the meeting when Con Com members joined the Planning Board. My view is that the appropriate environmental requirements for any application depend on the unique attributes of that development. Specifically, I see three major criteria:

1. What is possible on a given site in light of its size, lay-out, existing development, adjacent areas, etc.?
2. What is the magnitude of the environmental impacts imposed by the project to be mitigated?
3. What is the environmental value of the wetlands in question?

In my opinion, by all three of these criteria, there absolutely can and should be an ambitious environmental restoration as part of this redevelopment: There is space to do that and still allow considerable commercial use (#1), the extent of existing and proposed impacts are significant (#2), and the lower College Brook is an important tributary to the Oyster River and wildlife corridor in an otherwise developed area, not to mention the impacts on adjacent residential areas (#3). "Fairness" is only a meaningful concept here if two applications with similar attributes were asked to work within very different sets of requirements. Given that there is really no application quite like the Mill Plaza redevelopment, there is nothing unfair about what the Con Com advised.

These personal views have been made more than clear through the course of Con Com deliberations on this issue, including through statements I have made as the process progressed, and especially the fact that I proposed and voted for the Con Com motion.

Please feel free to share this message with the rest of the Planning Board, as you see fit. I would also like this to reach Mr. Pollack but do not have his email address. As I try to respect the process and Con Com's role, I also want to make sure that my words are not used selectively and out of context to make important Town decisions.

Best wishes,
Jake