

**From:** [Todd Selig](#)  
**To:** [sean.mralp.com](mailto:sean.mralp.com)  
**Cc:** [Ari Pollack](#); [Edgar Ramos](#); [jhpinto@sintracapital.com](mailto:jhpinto@sintracapital.com); [Joseph M. Persechino](#); [Karen Edwards](#); [Rick Taintor](#)  
**Subject:** Re: Town Council Meeting for CDA - Exchange between CDA & Durham - Information for Planning Board  
**Date:** Friday, May 28, 2021 10:43:05 AM

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Dear Sean,

Thank you very much for your follow up email. By copy of this response, I shall ask Karen Edwards to share the email stream below with the Planning Board.

I also hope that you and everyone copied on this response have a happy and healthy Memorial Day Weekend.

All my best,

Todd

[Todd I. Selig](#), Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Sean McCauley <[sean@mralp.com](mailto:sean@mralp.com)>  
**Date:** Friday, May 28, 2021 at 10:36 AM  
**To:** Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>  
**Cc:** Ari Pollack <[pollack@gcglaw.com](mailto:pollack@gcglaw.com)>, Edgar Ramos <[edgar.ramos@sintracapital.com](mailto:edgar.ramos@sintracapital.com)>, John Pinto <[jhpinto@sintracapital.com](mailto:jhpinto@sintracapital.com)>, "Joseph M. Persechino" <[jmpersechino@tighebond.com](mailto:jmpersechino@tighebond.com)>  
**Subject:** Town Council Meeting for CDA

Todd-

Thank you for sharing your impressions. While we had hoped to persuade you and the Council to grant relief from the settlement's density requirements, we also can appreciate your and the Council's continued expectations.

As you know, CDA has worked over 6+ years, in good faith, to satisfy many competing demands. Current and future tenant parking, resident parking, settlement requirements, and buffer restoration objectives are the latest example of competing interests converging in a very challenging situation. As a result, CDA is forced to put its best foot forward, explain to the

Planning Board that neither our tenants nor the Town Council would yield on competing priorities, and hope it is enough. Thus, we will ask that the Planning Board find that our offerings are sufficiently balanced to allow this unique redevelopment opportunity to be approved. To be clear, we still feel strongly that CDA, as the applicant, has done more than enough to earn approval and is being held to an inappropriate and impossible standard.

Since you have already shared your reply with Town Councilors, could you kindly share it with the Planning Board as well and ensure its placement in the Planning Board's record?

Having received your reply, there is no need to make room on the Council's June 7th agenda. Again, my thanks for your clear feedback.

Happy Memorial Day!

Sean

Sean N. McCauley  
McCauley Realty Advisors  
484-598-3202

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**From:** Todd Selig <tselig@ci.durham.nh.us>

**Date:** Tuesday, May 25, 2021 at 6:33 PM

**To:** Sean McCauley <sean@mralp.com>

**Cc:** Ari Pollack <pollack@gcglaw.com>

**Subject:** Re: Town Council Meeting - request from colonial durham regarding mill plaza project & settlement agreement

Dear Sean,

Thank you very much for this email as a follow up to your call from last week. I encourage you and your team to work through the standard application process with the Planning Board directly as part of the Colonial Durham application for the proposed redevelopment of the Mill Plaza property as overtly intended by the Council and me at the time of execution of the Settlement Agreement in December 2015. It is unlikely the Council, or I for that matter as a party to the Agreement, would be open to revisiting the Settlement Agreement to reduce the required square footage in Section 1(c), which presently reads:

*The Revised Application will provide for a total development of existing and new non-residential commercial space, exclusive of parking, totaling at least 80,000 to 90,000 sq. ft.*

Indeed, this provision was perceived at the time and remains one of the primary benefits the Settlement Agreement would afford Durham. The application is already at the low end of the agreed upon range (80,000 sq. ft versus 90,000 sq. ft.). If my understanding is correct based upon our telephone conversation from late-last week, what you would potentially request would be to further reduce what was seen by the Town as a significant benefit of a possible redevelopment of the Mill Plaza site (the creation of additional non-residential commercial space) in order to pull

associated parking out of the wetland buffer area along the College Brook as discussed at the last meeting of the Planning Board. You have many levers with this project, the 80,000 sq. ft. – 90,000 sq. ft. requirement has been known from the outset, and the issues you seek to address with the Planning Board should be solved in a manner that is consistent with the terms of the Settlement Agreement.

The one provision I could potentially see as a possibility for revisiting at some point, if relevant, would be Section 1(e), which presently reads:

*Proposed on-site parking shall be increased from the existing 345 spaces to a number acceptable to the planning board based on the zoning ordinance and site plan regulations.*

Were the Planning Board to recommend to the Town Council that the minimum number of parking spaces be reduced, I could see a path to this being considered by the Council.

If you ultimately choose to propose to the Town an amendment to the Settlement Agreement, please provide a written proposal to this office such that staff, legal counsel, and Councilors alike may review well in advance of a given meeting date. We would make such a request available to the public as well for comment. We would then let you know whether a presentation would be desirable or whether the Council and I would simply reply in writing through legal counsel.

Again, the Town Council has been clear from the outset that it does not have any interest in interfering with the standard Planning Board review process.

I shall share this response with the members of the Town Council so they know of your request on behalf of Colonial Durham and my response.

All my very best,

Todd

Todd I. Selig, Administrator

Town of Durham, NH

**a:** 8 Newmarket Rd., Durham, NH 03824 USA

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**From:** Sean McCauley <[sean@mralp.com](mailto:sean@mralp.com)>

**Date:** Monday, May 24, 2021 at 8:48 PM

**To:** Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>

**Cc:** Ari Pollack <pollack@gcglaw.com>

**Subject:** Town Council Meeting

Todd,

Ari and I are requesting a few minutes on the June 7th agenda to update the Council on the project and discuss the agreement.

We will try to keep our presentation brief.

Sean N. McCauley  
McCauley Realty Advisors  
484-598-3202

Please excuse any typos in this electronic message.

Sent from my T-Mobile Galaxy S 20 Ultra 5G Device  
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