

From: [Rick Taintor](#)
To: [Barbara Dill](#); [Heather Grant](#); [James Bubar](#); [external forward for jlawson](#); [Lorne Parnell](#); [Michael Lambert](#); [Paul Rasmussen](#); [Richard Kelley](#); [external forward for stobias](#); [Sarah Wrightsman](#); [William McGowan](#)
Cc: [Karen Edwards](#); [Craig Stevens](#)
Subject: FW: Colonial Durham, Conditional Use Permit
Date: Thursday, June 25, 2020 3:46:13 PM

From: "Sean N. McCauley" <sean@mralp.com>
Date: Thursday, June 25, 2020 at 3:04 PM
To: Rick Taintor <rtaintor@ci.durham.nh.us>
Cc: "Ari B. Pollack" <pollack@gcglaw.com>, Edgar Ramos <edgar.ramos@sintracapital.com>
Subject: Colonial Durham, Conditional Use Permit

Rick,

I want to ensure that Colonial Durham Associates' position is clear with regard to any peer review studies the Planning Board seems to believe are necessary relative to fiscal impact and property valuation. For the record, the applicant objects to this additional level of scrutiny put on our submission and, frankly, any level of scrutiny that is beyond the plain language of the conditional use criteria. The professional reputations of the consultants are unblemished, and we believe that the reports are reflective of the requirements of the Conditional Use Permits Sec. 175-23 C. 6 and 8. Please note, that section 8 (fiscal impact) does allow the planning board to receive an independent analysis, but section 6 (property values) does not.

I understand that the applicant does not have a say in whether peer review is ordered, but that we are expected to bear the cost of any new and potential duplicitous study. Therefore, at a minimum, and without waiving objections to the need for the exercise in the first instance, the applicant respectfully requests that these be "apples to apples" comparisons, and not a new standard designed to take into consideration arbitrary factors such as the current pandemic, the effect on competing properties, neighboring communities, the school district (we are a student housing and commercial development), and unknown future student enrollment at UNH. We could run down many rabbit holes if the Board chooses to rewrite and expand the scope and breadth of the set forth in the Ordinance – which, as you know, they do not have the authority to do. For this approval process, it is critical that we stay focused on the requirements of the approval process and the details of the application itself.

Our reports concluded that the proposed project "will not cause or contribute to a significant decline in property values of adjacent properties" and that the

project "will not have a negative fiscal impact on the town". That is all that is required of this applicant, as has been the standard of review applied to others.

Colonial Durham has made every effort to comply with the settlement agreement with the Town Council, work with its main tenants, and take seriously the input we have received from the Planning Board, and neighbors. We only ask for due process.

Please include this statement in the official application record and feel free to contact me directly if you have any questions or comments.

Respectively,

Sean N. McCauley

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