

To: Durham Planning Board / From: Joshua Meyrowitz, 7 Chesley Dr / Feb 8, 2022

CDA offers NO meaningful “Degrees of Control” on Plaza NOISE Planning Board Hearing, August 25, 2021 / 9:35pm, [video](#), emphasis added

Planning Board Member Richard Kelley: “...So, when we look at Conditional Use, there is a special degree of control to make such uses consistent with or compatible to other existing or permissible uses in the same area. And I wonder...**what that special degree of control would entail regarding impacts, such as noise, to the surrounding community.**”

CDA’s Attorney, Ari Pollack: “With respect to the residential abutters and the single-family homes in the neighborhood: You’ve got a waterway that breaks a buffer, you’ve got, again, some restored areas that create a buffer, you’ve got landscaping within those areas, **you’ve got a sidewalk that’s gonna provide connection for people who aren’t even originating from the Mill Plaza but using it as a conduit to other parts of town. That’s a service provided to some of those folks who, frankly, take it for granted today.** And, I guess my whole point is, you’ve got to look at Conditional Use in the context of what’s there and what’s being proposed. It would be wonderful if this was a completely blank canvas and we were proposing nothing but a fully conforming project, but that’s just not what the reality is. **What you’ve got there now is a project that doesn’t drain well, it doesn’t park well, it doesn’t lease well, it doesn’t look good, it doesn’t function well.** And, you’ve got a significant, and, again, I hate to beat it, but a once-in-a-generation opportunity to improve upon that. **And it’s somewhat of a leap of faith, I grant you.** The easy thing to do is to look at that petition of 1,000 signatures and say, nope, nobody wants this, why should I? The reason you should do it is because you’re on a board that’s sworn to uphold the regulations of the town, and the ordinances of the town. So that’s what we’re asking you to do.”



RK: “So there are no special degrees of [noise] control that you might offer?”

AP: “We’ve offered! I mean, we’ve offered on-site management.¹ We’ve offered security. We’ve offered no residential parking on the property. We’ve offered a contribution to the restoration of the waterway. I mean we’ve covered these things. You know what they are as well as I do. I’m happy to continue to summarize, but ultimately it’s a recognition that we’ve got a compliant proposal on the table and we are entitled to a vote.”

Also see/listen: “[Downtown Durham Soundscape](#),” [Joshua Meyrowitz 12-30-21](#)

¹ CDA offers no management plan specific to the Plaza site & its noise-control needs. See word-for-word matches: [CDA’s 2021 Property Management Plan Overview](#) & [Madbury Commons 2014 Property Management Plan Overview](#) and use of identical catchphrases: “prevention,” “visibility,” “consistency,” & “communication.” [Watch & listen](#) to 30 secs of typical 11:30pm Madbury Commons noise (far from family homes) that would be much more problematic if adjacent to senior condos & family homes in Plaza. [h]