

**Judith Spang
55 Wiswall Road**

Dear Members of the Durham Planning Board,

February 3, 2022

I live four miles from the Mill Road Plaza, but as with my neighbors, the downtown is important to me. I have an MS in land use planning, used my planning skills in the legislature for 20 years, and been a member of the Durham Planning Board and Masterplan Sense of Community Subcommittee, working toward a downtown that would foster a stronger community.

The CDA project before you is a thumb in the eye to those of us who worked on improving the Mill Road Plaza, and especially to the hardworking group that went on to design a new Plaza to enhance Durham's downtown.

How to write a letter to a beleaguered Board that has read and listened to so much testimony over the past months? You have heard it all. Above those many voices reigns that of the developer's attorney, Ari Pollack. Sometimes even our town attorney obfuscates rather than enlightens the Board on the import of documents and procedures.

To create a clearer path through so much information to reach a worthy decision, I would suggest you pay particular attention to the following voices that in my mind, are the most impactful. They represent professionals who have devoted time and effort to analyzing and illuminating faulty work by CDA's consultants. They include municipal planners, bankers, engineers, academic experts, water resource specialists, and attorneys. Their testimony should at least raise questions in your mind about the true probable impacts of the project and the credibility of the developer's representatives. These include:

1. Attorney Nathan Fennessy in his October 26, 2021 letter that clearly outlines the issues at play, including those that could be legal minefields to the Planning Board if the decisions or the Board procedures (or both) are challenged. Most helpful.
2. Professional planner Scott Bogle in his January 6, 2022's clarification of legal criteria for the critical Conditional Use Permit, and information needed to address those criteria.
3. Matthew Meskill's professional evaluation of the impact on abutters lives and property values and also the essential missing information needed for answering questions about the Conditional Use Permit

4. Select carefully researched presentations by Robin Mower and Josh Meyrowitz as the project has progressed. Meyrowitz's exhaustive history of the Plaza not only reveals CDA's unrelenting disregard for Durham's vision for the Plaza, but more maddeningly, its stubborn and blatant refusal to adhere to town (and state) regulations. (This asks, how can we expect anything different if this project is built?)

And Finally,

5. The committed residents and their well-researched and articulate information. While some members of the Board have assumed this testimony is biased, most is respectful, carefully researched and appropriate to the Board's mission.

Durham's reputation is at stake

A project as large and as controversial as this one commands the attention of the State and other municipalities. It has overwhelming opposition by town residents. It encourages a precedent of spurious interpretations of legal terms and procedures, including in a legally binding Settlement Agreement. It has ecological impacts, particularly to the impaired College Brook, part of the corridor of the State Protected Oyster River, and Great Bay, struggling to eliminate the nitrogen that results from a poorly buffered hardscape like this one. The State DES will certainly look askance at the unsavory plans put forward (if approved???) for the Mill Plaza.

We in Durham cherish our statewide reputation for leadership in environmental stewardship of land and water. Will approval of the CDA's misconceived Mill Plaza plan instead serve as an example of what a determined developer can do with an otherwise intelligent and conscientious town?