

From: [Judith Spang](#)
To: [Karen Edwards](#)
Subject: Mill Plaza and conditional use permits
Date: Monday, August 23, 2021 4:48:15 PM

Dear Planning Board and Mr. Taintor,

As you may know, I have an advanced degree in land use planning and worked in economic development planning for 10 years in NYC and for the Lakes Region Planning Commission. I have also served on Durham's Planning Board and Conservation Commission. My 24 years as a State Representative have afforded a unique knowledge of the inner workings of State and local land use regulations.

I have stepped back from the details of the Mill Plaza project to see it from the larger perspective. First, the conditional use permit. The letters you have received from residents in the vicinity of the Mill Plaza have laid out indisputably the adverse impact that the proposed development will have on their neighborhood. Most of these points are not easily dismissed as extreme. In fact, in reading Durham's Zoning Ordinance Article VII regarding Conditional Use permits, it appears to me that enough of those points are legitimate for the Planning Board to be confident in denying conditional use permits for this development.

The Conditional Use process has a strength and a weakness in the same respect: it allows the Planning Board discretion in their interpretation of facts presented by both a developer and a project's critics. How much weight is given to our Masterplan? Article VII D, states that conditional use permit approvals shall "further the objectives of this ordinance AND THE MASTER PLAN." Yet we have heard that the Planning Board does not consider the Master Plan to be relevant in its decision-making. Similarly, I suppose that under pressure from an aggressive developer, the section on the "Purpose of the CBD" as "development, redevelopment and enlargement of existing buildings in a manner that maintains and enhances the small town character of the downtown" seems too nebulous. (I'm sure it wasn't when written!)

The Town has had its feet to the fire for long enough to feel it is in a defensive position relative to defending its ordinances and taking seriously the opinion of affected neighbors. If the people of Durham are able to convince the Planning Board that their primary mission is to assure the orderly growth of the town, in accordance with principles articulated in the Master Plan, their response to a persistent and aggressive developer will become clearer.

Thank you for your stamina and diligence in addressing this project for us!

Respectfully,
Judith Spang, Wiswall Road