

From: [Nick Tulloh](#)
To: [Karen Edwards](#); [Rick Taintor](#)
Subject: PLAZA
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This letter says it better than I ever could.

Nick Tulloh

311 Newmarket Rd

Durham, NH 03824

Dear Planning Board Members,

Ever since your April 14, 2020 meeting I have been mulling over how best to express my frustration about the CDA Mill Plaza application. Here is the distillation of my thoughts and a request.

1. Durham's planning and zoning documents clearly state what we residents of the Town require after many years of study, deliberation and planning.
2. Durham's planning and zoning documents meet statutory requirements and require conformance by developers.
3. Board members are required to approve only "by right" applications but may approve waivers and may exercise some discretion if waivers and discretionary modifications meet the spirit and intent of the regulations, i.e. benefit the Town.
4. Requests for waivers have not been adequately justified by CDA.
5. CDA's proposed development does not conform to Durham's requirements in numerous ways.
6. Thus, the application and plan, as submitted, does not conform to the ZO and cannot be approved.
7. It is time to close the public hearing, deliberate, and deny the CDA application as submitted.

CDA has submitted an outlandish proposal that does not meet setback requirements, makes wetland boundary incursions, proposes non-conforming parking areas amounting to an excessive number of commercial parking spaces beyond that required and includes numerous other dimensional deviations without adequate justification. All that in addition to seeking "Conditional Use" permissions. The granting of CU permits should be to the aggregate benefit of the town as laid out in the overarching purpose statements of both the Zoning Ordinance and the Site Plan Regulations. The current proposal does not meet that fundamental requirement. Having served on the Town Council for nine years, 5 years as chairman, and having served on the Planning Board, I know what you're going through and I thank you for your service. When a plan is so out-of-step with Town goals and regulations such as the CDA proposal, it is time to simply say 'No'. I now encourage/implore you to exercise your authority, indeed your obligation, to close the public hearing, deliberate, and deny the CDA application. Enough of your time and that of the community has been expended.

Respectfully,

Malcolm Sandberg Langley Rd. Durham NH