

June 13, 2019

To: Town of Durham,  
Todd Selig  
From: Tom Christie, president  
Slania Enterprises Inc.  
RE: Jenkins Court project

Todd,

Please accept this correspondence as my formal notice for the Town to immediately replace the survey maker discussed in previous correspondences. The act by the Town was/is illegal and given the proposed construction it is imperative that the property boundary be accurately delineated. We have discussed leaving this to the future but in light of the circumstances I now feel it must be moved upon. Additionally, it has been represented that the iron rod on the Jenkins Ct southern boundary was not disturbed (in the road) during the last overlay of the street. My surveyor was unable to locate the rod using electronic detection. I was not present when the actual work was conducted in the street so I cannot speak to it being removed/moved personally but it should be addressed. The iron rod on the Pettee Brook sidewalk, I personally observed laying on the side completely removed from the ground. Please provide the name of the surveyor and the date for the work to be done.

Regarding the project on Main Street, Jenkins court corner. I am for private investment. I am not for the government picking winners and losers. I have installed 3 sewer lines for three buildings and I have never had the Town subsidize any of the construction, including the tie in at the public way. I received notice that the Red Carpet wanted to be converted into a restaurant. I support the private owner utilizing the property within the guideline of the ordinances. I saw no need to speak out against the project, converting a space to a restaurant. My concerns are that the road work now proposed will greatly affect my business, other's businesses, and my commercial and residential tenants.

On May 22, 2019, the planning board directed the applicant to conduct an "outreach" to get feedback from those most affected by the proposed construction. The Board should be commended for being sensitive to those most affected by a project. The Board's expectation was for the applicant to then utilize the feedback and create a construction plan that was sensitive to those people. I believe this process is appropriate but was not followed. Instead the applicant chose to ignore the planning boards directive. The applicant developed their plan WITHOUT feedback. The applicant then used a Town compensated personnel, the economic development director, to deliver the developers mandates. This single page yellow document briefly outlined what WOULD be happening, all without going to those affected IN ADVANCE and integrating their concerns into the plan. The plan/map on the reverse side of the yellow document does not even show more than half the affected area. Most offensive to this process might be that representation was made that all of the businesses affected were "contacted". The implication was that they had been contacted as part of the "outreach" for input when in fact "contact" was referring to TELLING those affected was WAS "GOING" to happen. Is the Town being reimbursed for the economic development directors time doing the applicants work. The effects

of a Town employee coming to a person/business and telling them what is going to happen is completely different from an applicant soliciting feedback in advance for integration into a plan.

At the Planning Board meeting of June 12, 2019 I spoke at the public hearing. I voiced numerous concerns. The meeting was not the ideal time and place to attempt to address the concerns. The "outreach" time period would have been much preferred. I will briefly review my concerns in writing in the hope that they can be addressed.

1. What happens if ledge is encountered? Will there be blasting? Will there be hammering? I suggest that an independent party be brought in for pre and post building structural inspections if either is required. I have been on Jenkins court for 40 years and where the old split rail fences were has ledge below. What are the hours for blasting/ hammering if needed? How did the applicant arrive at the suggested closure time? A series of test borings would help accurately reflect the time needed to complete excavation work. It might also indicate that it is cost/time prohibitive. If much of the area is ledge then 2 weeks is not realistic.
2. What penalties or incentives are there to ensure that the time table is adhered to. What happens if the work runs over excessively? Will there be a bond posted for this?
3. What specific actions are going to be taken to ensure access to properties by customers, tenants and first responders? Currently, the "half plan" provided shows "through traffic". Is this for vehicles? If so where do the pedestrians go? Much more detail is needed.
4. When the work in the roadway is complete will the trench work be patched? Or will there be a complete overlay? Who will pay for this? Will there be a bond posted for this? If it will be an overlay, the elevation of the roadway needs to be addressed. The last overlay raised the road and has affected drainage.
5. How will deliveries, trash removal, Town recycling pick up be addressed?
6. The engineer/applicant suggested that the sewer line might follow the past waterline. That waterline had freeze issues. I don't know the invert for the sewer so it is hard to speak to this specifically. Additionally, the line terminated near the current 12 Jenkins Court and much of that line was soft roll copper that "contoured to the ledge as needed. Test borings and inverts would expose a lot of issues.

The suggested "two weeks" is a long time for a road closure. It will clearly effect business and with the closure of the Town lost for the farmers market on Mondays will exacerbate the situation. I am completely confused over the selection of the roadway for the sewer line. The entire east side of Jenkins Court address have sewer access to the rear. The need to close the roadway, the Town to provide \$20,000 in funding and the negative effects on properties and businesses could be completely avoided by having the applicant run the proposed sewer on private property. Then gain access in the public way. The Hardware Store rebuild and Slania's

buildings all utilized private property and then into the Town system. Replacing the existing line would not require blasting/hammering or road closure. It seems like the best alternative.

I request that you distribute this to the council and planning board members. Further, I believe it would be helpful to meet regarding the project. I realize the applicant is on a short time schedule, I am available on short notice. I await your responses to the questions above.

In closing, I met with you and your staff about a year ago regarding changes in the ordinance to provide for minor site change approvals without the need for going before the board with a full blown application. You indicated that you would have "staff", in this instance our Town planner and our past economic development director to address this issue. I have not seen any action taken nor am I aware of anything in the process. Please provide me with an up-date on any progress.

Regards

A handwritten signature in black ink, appearing to read 'Tom Christie', written in a cursive style.

Tom Christie  
Slania Enterprises Inc