

September 25, 2019

Planning Board
8 Newmarket Road
Durham, NH 03824

RE: Proposed changes to Article XXI – Off-Street Parking and other sections of the Zoning Ordinance related to parking

Dear Members of the Board,

First, I suggest we revisit the purpose underlying the proposal to revise this section of the ordinance. If I remember correctly, the amendments were initiated by Zoning Administrator Audrey Cline. Her presentation to the Board last spring noted the following on the very first slide after the title page (emphasis added):

- Most of the parking ordinances were recently moved from ARTICLE XXI to Planning Board - Site Plan Review.
- Unfortunately during that move, a number of regulations that applied to single-family and duplex dwellings were lost from ARTICLE XXI.
- Since single-family and duplex structures do not require site plan review, *our goal is to replace lost regulation using lessons learned from recent parking enforcement efforts.*

So the purpose is to address parking regulations for single-family and duplex structures. And since the language of the zoning ordinance's purpose statements for RA and RB specifies "maintain the established character of these neighborhoods," we have an opportunity to ensure that any proposed amendments do just that.

The purpose of the proposed ordinance amendments was not to address downtown business needs, perceived or real, nor to alleviate the shortcomings of the University of New Hampshire's parking system. Residential parking should be just that, period. I would suggest that we not try to use a screwdriver for nails.

Tonight I suggest that we return to Ms. Cline's presentation on two major points: the number of vehicles and the inclusion of Special Exception.

175-111.—A. Parking – General Provisions.

As proposed (emphasis added):

2. Number of vehicles – There shall be no more than 5 vehicles parked on a regular basis on a residential lot in the Residence A and Residence B Districts. However, more than 5 vehicles may be parked on the lot if the property owner demonstrates that they are for use by lawful occupants of the dwelling unit, as demonstrated by records acceptable to the Zoning Administrator.

Comment: Quite the change from the July 24 draft: An increase of two-thirds, or 67 percent, in the number of vehicles that may be parked outside a garage in a residential

neighborhood. I was going to bite my tongue and not say it, but I will: You've got to be kidding!

Allowing three spaces on the lot for parking *in addition* to the one, two, or more in garages would serve most households. It would also preserve some semblance of residential, as opposed to commercial, neighborhood character.

Yet Ms. Cline—who is no doubt more familiar than any of us, having feet-on-the-ground observations of the status quo, recommended:

- Maximum of three parking spaces between the house and the street. Additional spaces by Special Exception based on physical restrictions of the parcel.

The compact downtown neighborhoods are targets for student rentals. To allow up to five cars outside the garage would violate the purpose of Residence A, leading to the reduction of space available for the very features of which residential neighborhoods are comprised, e.g., gardens, areas where children play and families barbecue.

I repeat: Homeowners who chose to live in a family neighborhood had an expectation of not living with views of parking lots.

Permitting five by right across the board results in more asphalt (which is bad for the environment and removes land for other more valuable use). It also invites the leasing of parking spaces (likely to UNH commuters), thereby increasing the potential for neighborhood disruption from comings and goings not integral to primary households, resulting in greater traffic in family neighborhoods with children and elderly residents, thus reducing both quality of life and safety for the residents.

Ms. Cline's presentation also notes:

- With Special Exception, specific criteria for creating parking spaces within the front setback, or to the sides or rear of the parcel, should be specific but allow for the best available alternative.
- ...We propose allowing for additional side and rear parking areas by Special Exception only, to restrict the potential of maximizing rear and side parking areas.
- Special Exception criteria can be valuable in allowing for flexibility. Specific criteria related to the parking goals should be added in addition the three general SE criteria.

Special Exception builds in flexibility for leniency that is warranted. It also provides an opportunity for neighbors to weigh in. Surely any minimal inconvenience necessitated by demonstrating need can be borne by households in the interest of the greater community good.

Request: Hold the number of vehicles to "no more than three parked on a regular basis," restore the requirement of Special Exception, and add specific criteria for Special Exception, as suggested by our Zoning Administrator.

Sincerely yours,

[Signed: Robin Mower]