

December 11, 2019

Planning Board  
8 Newmarket Road  
Durham, NH 03824

RE: XII. *Public Hearing - 19-21 Main Street – Parking Lot. Preliminary design review for site plan and conditional use for parking lot on four lots and reconfiguration of the entrance. The owner is in discussions with Colonial Durham Associates for a possible parking arrangement for Mill Plaza. Toomerphs, LLC c/o Pete Murphy, property owner. Mike Sievert, engineer. Map 5, Lots 1-9, 1-10, 1-15, and 1-16. Church Hill District. Recommended action: Public hearing and discussion.*

Dear Members of the Board,

As I look around, I realize that most of you sitting at the table chose to live in wooded areas of town, so you may understand some of the reasons why many residents have expressed grave concerns about cutting down the woods on Church Hill to put in a parking lot. Woods are one of the features of our New England small town setting that draws many residents to Durham in the first place and continues to bind them to the town. The loss of those familiar woods would hit hard for aesthetic and neighborhood buffer reasons, but the loss would be great also for their environmental functionality.

And that's where we butt up against two significant challenges.

First, I refer you to Section 175-23. Approval Criteria of Article VII. Conditional Use Permits of our zoning ordinance. All eight of these criteria must be met by the applicant, but with specific regard to the environment, see numbers 1, "Site suitability" and 5, "Preservation of natural, cultural, historic, and scenic resources. In my opinion, these cannot be met by a development that requires removal of over an acre of woods, reconfiguring a large hillside, and adding an expanse of asphalt to be used as a parking lot for approximately 200 vehicles.

We have good stormwater management regulations in our site plan regulations. But those regulations address water quantity, that is, flow and volume, but not pollution, including road salt.

We have known that the College Brook is polluted, but we have done nothing about it to date. It is not too late to start giving more than lip service to its health. I urge you to read the entire Appendix E, "The College Brook Report," in the 2007 report of the Mill Plaza Study Committee. It notes:

*Water quality along the length of the Brook is poor, and has been measured at least since 1991 (Figure 1 below and Table 2, page 4). Nitrogen levels are high. Chloride levels are very high, and the Brook was recently listed as impaired due to chloride levels by the NH Department of Environmental Services. Although some water quality parameters have improved since 1991 (BOD, DO, and phosphate in particular), chloride and nitrate levels appear to have increased.*

*The impact of the current Mill Plaza runoff is not well documented, as most historic data are available for the UNH campus only. Recent sampling by the UNH Water Resources Research*

*Center, however, shows a large increase in nitrate concentrations between the edge of campus and the mouth of the Brook at Oyster River. A likely source for this increased nitrate is runoff from the mall parking lot, although other sources may contribute as well.*

College Brook was still on the NHDES impaired waterbodies list in 2018.

I have culled myriad data from academic reports and studies, most of which I will spare you tonight, but I would like to read a couple of excerpts from a 2015 publication by PennState Extension titled “The Role of Trees and Forests in Healthy Watersheds”:

*... Parking lots, one of the fastest growing land uses, have become a major cause of water quality and stream degradation. Non-Point Source pollutants such as petroleum hydrocarbons, nitrates, and heavy metals (cadmium, copper, lead, and zinc) from brakes and rusting automobiles all wash into our water ways. Even a small rain storm...will cause 'first flush' — washing these pollutants into streams.*

*[...] The runoff from one acre of paved parking generates the same amount of annual runoff as: 36 acres of forest...One inch of rainfall on an acre of parking produces 27,000 gallons of stormwater. Large increases in stormwater volume reaching streams has caused major streambank erosion problems, down stream flooding, increased nutrient/sediment loads, and degraded aquatic habitat. <<https://extension.psu.edu/the-role-of-trees-and-forests-in-healthy-watersheds>>*

**The second significant challenge you should consider when advising the applicant whether to proceed is the economic on taxpayers.**

Over the past decade, Durham taxpayers and the University have both spent hundreds of thousands of dollars to test, improve, and protect the Oyster River watershed. Ultimately the Town of Durham is responsible to the Environmental Protection Agency for water quality in our waterbodies, including the College Brook and the Mill Pond into which it empties. That is likely to translate to taxpayer dollars. So why would we encourage development that would only increase those public costs?

Why, in fact, would we encourage further additions of salt and vehicle-related pollutants to the College Brook by allowing a parking lot to be built exactly where the woods now provide valuable ecosystem services for free?

The woods provide flood control, slowing down stormwater runoff and thus helping to stabilize the stream bank. They help limit sedimentation, sequester carbon, clean our air by filtering particulate matter from automobiles, and cool adjacent properties, mitigating the effect of so-called heat islands by lowering ambient air temperature.

Of course the woods on Church Hill are privately owned, so we're dealing with the classic tension between private property rights and the public good. But here's the thing: The zoning ordinance and site plan regulations governing use of the parcels under consideration have been in place since before the current owner's purchase.

In closing, I am wholeheartedly in solidarity with others who object to this proposal.

Sincerely yours,