

July 26, 2022

Michael Behrendt, Town Planner  
Durham Planning Board  
8 Newmarket Road  
Durham, NH 03824

**Re: 19-21 Main Street (the “Property”)  
Conditional Use Permit Application & Site Plan Application**

Dear Mr. Behrendt, Vice Chair Grant and Planning Board Members:

The July 27, 2022 Planner Review, item number 4 states, “[t]he parking lot would provide significantly more spaces than other parking areas in the Church Hill zone...” As noted in the immediately preceding bullet point, DZO 175-23(C)(3) and (4) refers to the neighborhood, not the zone. That is important, because it brings into the comparison many more land uses than listed in that section, like the Mill Plaza shopping center (**Toomerf’s Slide Presentation 6-8-22, slide 14**), among others.

Re the character of the site development (175-23(C)(3) and the character of the buildings and structures (75-23(C)(4), the proposal is for a net increase of 107 parking spaces. That is not “incompatible with the established character of the neighborhood” because the neighborhood includes several parking lots. The adjacent existing parking lot at Mill Plaza has 345 parking spaces (**Toomerf’s Letter dated 3/8/21**). In addition to Mill Plaza, the Community Church, St. George’s Episcopal Church, and 18 Main Street, comprise a total of over 550 parking spaces *on immediately adjacent lots* (**Toomerf’s Letter dated 2/18/22, pp. 8-9**).

Similarly, the character of the site development and character of buildings and structures proposed are also not incompatible, even when solely evaluating the adjacent Community Church parking lot. We previously discussed the adjacent Community Church Parking Lot in detail during Mike Sievert’s presentation on February 22, 2022<sup>1</sup>To our eye, the 2:1 slope area of

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<sup>1</sup> Durham Planning Board 2/23/2022, DCAT starting at 1:57

M. Sievert: “This is...the Community Church...and its parking lot on Church Hill...and so I’m gonna show you that this site is constructed on a steep slope with steep slopes holding up its parking lot.... Again, it speaks to the Site Plan section 8 and also the Conditional Use.... [Opens slope pictures]. This is the road leading up [slide 33], over 6% and that would be photo 1...leading up to...the Community Church parking lot from Mill Pond Road...this is picture number 2, either 2 or 3 [slide 34], and this is showing your 2:1 slope.... If you remember that other picture...the original grade is down here, so there filling up for this section right here [points to parking lot elevation

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the south and east perimeters of the church parking lot is at least 12-14' in elevation (**Toomerf's Letter dated 2/18/2022, p. 37**), and runs a horizontal distance of at least 150-200' (**Toomerf's Renderings and Landscape Update 6/8/2022**). Thus, the Applicant's proposed parking lot expansion is very similar in scale and construction as the parking provided *on the immediately adjacent lot in the same zone*.

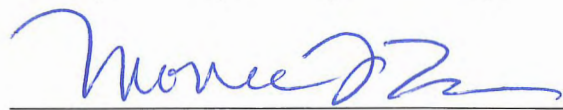
We thank the Planning Board for its consideration.

Respectfully submitted,

**TOOMERFS, LLC**

By and through their Attorneys

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from below]. This is a little bit step back, picture number 2 or 3 [slide 35], this is the whole slope coming down, the parking lot is up here, again just showing you what it's going to look like on our site and remembering this is adjacent to our site. This is from the lower parking lot, from the 55 and older living facility [Church Hill Apartments]...[slide 36]. This again is a 2:1 slope, this is the other parking lot, the left-hand side as you come up, and again this natural slope is coming down from the church here and going down to Mill Pond Road. So these are 2:1 slopes that were built on this steep slope to hold up this parking lot. And then there's another...so this is that corner, and this is the road going down [slide 37], and all this fill that got put in here for that road coming up to the church parking lot. And this [slide 38] is standing up on that first parking lot to the right looking down, there is this building that's right out back here, this student housing building...this is the parking lot out back, and I'm looking down that slope right there.

J. Bubar (2:01): Do you have any idea when the road or the parking lot was put in?

M. Sievert: For the church? Bill might be able to answer that later on (W. Hall: '61. D8. It was put in with a D8). And I suspect that that was put in in layers and compacted.

J. Bubar: Now I want to know is what was the natural resource section of the site plan then?

M. Sievert: So I'm going to show you one other plan.

J. Bubar: I don't know why we're pointing things out that were under a different regime.

M. Sievert: It doesn't really matter. What the requirements are asking from the Conditional Use Permit is comparing our site to adjacent properties in the neighborhood, and I'm showing you an adjacent property in the neighborhood that was constructed exactly like we are. That's all I'm showing.

J. Bubar: So it's for that particular thing. It has nothing to do with the natural resource preservation.

M. Sievert: I'm not saying that they destroyed or saved natural resources on that site. I'm just saying that that's the fill section that we talk about in there is represented on an adjacent site. (2:02:20).