

March 9, 2021

Dear Planning Board Members,

I live far from downtown, but, as do most of my neighbors, I care deeply about what happens downtown.

I watched the 2/17/21 PB meeting a second time to check whether what I thought I heard the first time could possibly be true. On second listening, I was even more frustrated with what I saw happening with respect to the Church Hill parking plan.

Among many other outrageous aspects of your discussion, you ignored reality by redefining "neighborhood" to apply only to what exists within a technically defined building zone. That does not comport with the Conditional Use zoning article language nor with the definition of "neighborhood" read aloud by Planner Behrendt, nor for that matter with what almost any normal human being would consider "the neighborhood." But when someone makes something small enough, and thinks in very narrow, unrealistic ways, they can seemingly eliminate lots of problems, even those that truly exist.

Some of the twisted logic I heard would have thrilled William Loeb of the Union Leader back in the day when he was attacking the Durham heroes who were fighting to protect the Town from the Onassis oil company. Your discussion sidestepped the Zoning criteria in order to fit what sounded like your goal of approving the project. How could an ugly and massive 20-foot tall retaining wall possibly not be out-of-scale for the neighborhood? How could such a structure not have a negative impact on the surrounding environment beyond everything else in the zone when there is NOTHING that towering and grotesque anywhere in all of downtown Durham?

All the experts who don't cleave to what you were looking for were set aside, along with the public letters and comments. The public input was NOT just about "not liking it," as was dismissively stated at the start of your Conditional Use discussion. We care about adherence to zoning; we care about our Master Plan and about protecting the environment, including protecting the remaining downtown wooded areas. We care about the pedestrian greenway between Mill Road and the Oyster River.

What is the rationale for comparing this project to a fictional future project in order to do "lesser of two evils"? The PB is not there to approve or disapprove something that isn't on the table, so why muddy the waters?

Who would purchase a beautiful wooded hillside in a neighborhood of houses to tear down the trees and build a phony plateau structure for a parking lot, especially when such a lot was known

to the buyers as being in a zone that restricted parking lots? If the proposal before you involved buildings housing businesses with adjacent parking lots for those properties, this would fit with the zone as you noted. In this case, the business IS the parking lot, which requires a huge structure to be built to put it on.

What happened to "buyer beware"? What happened to "follow the zoning"? Did they have some inkling or kind of assurance that it would get approved? Is this the new Durham reputation? "Welcome developers; feel free to ruin what has been special about our town!" Is this the mantra we want to pass down to our children and grandchildren?

Someone said at the meeting, it is their land, they can do what they want to do, including cutting down the many trees. Can they really build a new structure - an artificial 17,000 yards of fill structure for an asphalt-topped mound - to put a parking lot on? Does the Conditional Uses really allow for this even if they own the land? Isn't this the purpose of Conditional Use articles - to determine if the project as proposed is aesthetically pleasing, suited to the lot, doesn't have a negative impact on the neighborhood or environment, etc.? So does it really matter if it is their land if they fail to meet CU's?

I would like to see an outside assessor, not connected to the town in any way, determine if there will be a negative impact on the houses on Chesley Drive and the Faculty Neighborhood overall. The PB brought up the option, and I'd like to hold you to it. Have you actually read the letters from the neighbors? Have you read all the research on how wooded areas increase property values, improve the environment, protect against climate change?

I also want another unconnected-to-Durham person to evaluate the drainage INTO COLLEGE BROOK, something barely addressed in the 3rd-party report you just received, despite PB direction to Mr. Behrendt to see that the outside reviewer considered the degraded state of College Brook and the flood zone. Did the outside reviewer actually receive and process the pictures and videos shown at an earlier meeting that were supposed to be passed to him/her? Where is the analysis of the contents of all the likely runoff and its impact on the brook, Mill Pond, Oyster River and thereby the estuary?

If this Zoom meeting were compressed a bit it would be a hit on YouTube or FB...a lesson in how not to debate approval of a project. If it weren't so serious, it would be funny. Instead of representing the Town and the zoning, the discussion sounded more like what the developers would say and argue. Something here is not right! Please stand up for our Master Plan, the Zoning, and the People of Durham!

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