

July 13, 2022

Planning Board
8 Newmarket Road
Durham, NH 03824

Dear Members of the Planning Board:

I am writing to add my voice to the many that have been raised regarding the construction of the proposed parking lot on Church Hill, 19-21 Main Street. In particular, I want to endorse the letters that have been written since the Planning Board began its deliberation on June 22, pointing out what appear to be omissions and/or faulty reasoning as you discussed the Conditional Use Permit criteria.

Several of my fellow citizens have written articulate letters addressing these issues. I will “second” their concerns by referring to excerpts from their letters below:

Matt Komonchak pointed out that there is **no apparent consensus as to what kind of parking the proposed lot is meant to provide.**

“It would seem that the type of parking lot – long-term vs short-term, residential vs non-residential, student vs non-student, primary vs. accessory, etc. – should be defined before you run through the conditional use criteria and before denial or approval of the application before you. Approving a parking lot without knowing what kind of parking it will provide is tantamount to approving a dam without knowing how much water it can hold. Moreover, you cannot possibly address the proposed parking lot’s impacts in your Conditional Use analysis without first defining exactly how the lot will be used.”

Beth Olshansky reminded you that the ZBA passed a motion at its April 13 meeting declaring **that this proposal is for structured parking, parking which is not allowed in the Church Hill District.** I join her in asking how the Planning Board can ignore a ruling by Durham’s ZBA. As Beth wrote: “ZBA decisions overrule PB opinions.” ***This alone should cause the Toomerfs’ proposal to be rejected.***

Beth and others have repeatedly cited our site plan regulation 8.2: “Extensive grading and filling shall be avoided.” As Beth explains, “shall” means must. One cannot argue that the Toomerfs’ proposal does not involve extensive grading and filling. ***This proposal is not in compliance with our site plan regulations. That should cause it to be rejected.***

Beth, Robin Mower, and others have pointed out that the Planning Board did not adequately address “deleterious impacts.” The parking lot if built as proposed will certainly cause added noise, glare, and fumes compared to the small urban forest that now exists. Not to mention the

damage that building and maintaining this lot will cause to College Brook and by extension to the Oyster River and beyond into the bay. Professor Wollheim's letter expertly and eloquently addresses the environmental concerns. ***From the perspective of external impacts, this proposal does not meet the Conditional Use Criteria and therefore should be rejected.***

The above excerpts are some among many that you have heard about. Additionally, you have heard pleas from direct abutters, the Andersen and Urso families, and from Joshua Meyrowitz about how this project will wholly change the nature of their views, their homes, and their properties. For what and why? The Toomerfs could develop plans for their land that would be profitable, meet the Conditional Use Criteria, and not cause these problems for their abutters, for the Brook, or for the citizens of Durham who have urged you to reject this proposal.

I have read all the letters submitted by my fellow citizens and I endorse each of them. I find them persuasive and concerning. I urge you to carefully consider what you have heard. It is hard to conceive how and on what grounds you would decide to approve this project after digesting the comments that have been made.

In closing, I quote Beth Olshansky:

We are counting on our Planning Board to uphold our regulations and not be swayed by the rationalizations of those very few who will profit economically, and their hired legal representatives, from approval of this application. The residents of this town worked diligently to create a vision for our Master Plan, out of which grew our Site Plan Regulations and our Zoning Ordinance. We, the citizens of Durham, rely on you, our representatives on the Planning Board, to see that they are adhered to.

I wholeheartedly agree with the above and with Beth's acknowledgement of how hard you work and how challenging the work has been.

Sincere thanks for your service; it is vitally important.

Best,

Deborah Hirsch Mayer
19 Garden Lane
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