

Karen Edwards

From: Eric Lund <lund@atlas.sr.unh.edu>
Sent: Thursday, March 04, 2021 5:33 PM
To: Karen Edwards
Cc: Michael Behrendt
Subject: Comments on proposed Church Hill parking lot--please distribute to Planning Board
Attachments: ChurchHillByRightComparisonTable.pdf

Dear members of the Planning Board:

I am writing in response to the preliminary discussion by the Planning Board regarding the subject conditional use application. The discussion noted, correctly, that the owners are allowed under the zoning ordinance to construct a commercial or residential building on the site, and that the parking lot auxiliary to such a building must be located at the rear of the building. This benchmark is important because one of the criteria for conditional use is that the proposed conditional use must have a lower impact on surrounding properties than a use that would be allowed in the zone, and the ordinance provides a non-exhaustive list of aspects in which a development of the property would potentially impact surrounding properties. In order to do this comparison, the Board should have a realistic idea of what is likely to result from the by-right development, and my purpose in writing is to clarify this point.

The site begins at an elevation close to that of Main Street in front of the Red Tower house, which is located on the subject property between Main Street and the site where the bulk of the proposed parking lot would be constructed. The bulk of the site is on a slope with such a large elevation change that the proposed lot would require a retaining wall up to 20 feet high. It is incorrect to assume that a building constructed on such a site would have its front and rear entrances at the same level. There are numerous examples in Durham of buildings with front and rear entrances at different levels: several buildings on the UNH campus, many houses including mine, and some buildings along the south side of Main Street including the Community Church, which is adjacent to the subject property.

The Community Church is a particularly important example because it, like any building that might be built on the subject site, has a parking lot in the rear. The first attachment is a photograph I took of the rear of the Community Church. The elevation change on the church site is such that the rear entrances are more than one floor below the level of Main Street at the driveway entrance, which is at about the level of the top of the windows of the upper floor of this wing. One of those entrances is visible in the photo; another (where the Echo Thrift Shop is located) is concealed behind one of the parked cars in the photo, and a third is located behind the ell on the left. The ground floor level of Mr. Bill Hall's house, in the background at left, is also at or above the upper floor of the wing in the foreground. It can be expected that if a building were to be constructed on the subject site, its parking lot would similarly be at the level of the rear entrance, at least one level below the ground floor at the front of the building. Therefore, even if this hypothetical rear parking lot were to require a retaining wall, such a wall would not need to be 20 feet high, and a smaller retaining wall would be easier to hide with shrubbery. The disparity in heights is a major factor making the proposed parking lot out of scale with the surroundings.

The second attachment is a PDF showing a comparison of what various impacts of a by-right development versus the proposed parking lot would be expected. The lower elevation of the parking lot under the by-right development scenario would allow the woodland buffer at the rear of the site, assuming it to be the same under both scenarios, to actually act as a buffer against noise and light pollution. In these and several other ways, some of which are explicitly mentioned in the relevant conditional use criterion, the by-right development would be expected to have less impact than what is proposed.

There is a possible counter-argument that a by-right development would produce a building with a rear height of 30 feet or more. However, structures are not created equal. A large retaining wall is a particularly uninviting feature, designed to keep people either out or in. A building can be made inviting, and the developer of such a building (whether the current owners of the site or a future owner) would likely want to make the building look inviting in order to attract prospective tenants. Thus the building need not be out of scale with its surroundings.

Finally, there is the question of how any development of this site would fit in with Durham's master plan. The master plan encourages development that would bring people downtown, especially if they can do so without using cars. The proposed parking lot does nothing but provide car storage for people who already either live or work downtown, and thus is not compatible with this goal. A by-right development of this site would bring in people who would either live or work in this building (possibly both, if the building is mixed use or consists of live-work spaces), and therefore contributes to the goals of the master plan.

Thank you for your consideration.

Eric Lund
31 Faculty Rd., Durham



	Proposed Parking Structure	Commercial/Residential Building with Rear Parking Lot
Terms	Conditional Use	By Right
Retaining Wall Max Height	20 ft	~10 ft
Fill Required	~16k yd ³ (1100-1200 truckloads) trucked from offsite	Much less, some from basement excavation
Hours of Operation	24/7	6 AM-10 PM for residential, ~7 AM-7 PM for commercial
Light Mitigation	Fixtures only	Additional mitigation from woodland buffer
Noise Mitigation	None	Some mitigation from woodland buffer
Salt/Oil Contamination of Runoff	Entire impervious area	Asphalt surfaces only (40-50% less)
Compatible with master plan?	No	Yes