

From: [Eric Lund](#)
To: [Karen Edwards](#); [Michael Behrendt](#)
Subject: What is a neighborhood? Comment on proposed parking lot at 19-21 Main Street
Date: Thursday, May 05, 2022 3:54:52 PM

Dear members of the Planning Board:

In considering a conditional use application such as the one for the subject property, the Planning Board must, according to the language of the ordinance, consider impacts on the abutters and the neighborhood compared to other uses permitted in the zone. As Planning Board alternate Emily Fredrichs noted in the Board's recent deliberation over the Mill Road Plaza, the use of the term "neighborhood" in the ordinance clearly implies that a neighborhood may include properties that are not direct abutters to the site and are not in the same zone as the site. My goal is to give several reasons why the relevant neighborhood includes at least a portion of the Faculty neighborhood.

The zoning ordinance defines a neighborhood as being an area within 1000 feet of the property that is the subject of an application that has certain unifying characteristics. There are a number of problems with this definition, such as the use of an arbitrary radius, and the Planning Board should consider clarifying the definition when it next amends the zoning ordinance. However, since the above definition is written into the current ordinance, this is the definition that the Planning Board must use in its deliberations.

The subject property consists of four lots in the Church Hill zone: two lots along Main Street which are also in the Historic District, and two landlocked lots between Main Street and Chesley Drive. One of the landlocked lots currently has a building, currently used as rental housing (it would be demolished if this project moved forward), which is functionally equivalent to a single family house. In addition, the building at 19 Main St., also known as the Red Tower house, is a former single-family residence that was subdivided into apartments. This house, as well as the other three of the subject lots as well as lots on the west side of Smith Park Lane, along Chesley Drive, and in the portion of the Faculty neighborhood east of Thompson Lane, formerly belonged to Hamilton Smith. Chesley Drive and the aforementioned portion of the Faculty neighborhood are officially known in Strafford County land records as the Red Tower district, thus documenting the historical link between this area and the applicants' property.

In addition to the two lots along Main Street, four other lots are directly adjacent to the two rear lots. One of these lots is the Mill Road Plaza. The other three are single family houses: the Hall house at 3 Smith Park Ln., the Urso house at 5 Smith Park Ln., and the Andersen house at 8 Chesley Dr. Considering that at least two of the applicants' four subject lots also contain buildings that are currently or formerly single family houses, there is a strong argument to be made that the applicants' property shares with these direct abutters the characteristic of single family homes with various construction dates. In particular, this applies to the currently undeveloped lot, which is where the majority of the proposed parking lot would be located: this lot has single family houses on three sides and a former single family house on the fourth side. It would therefore be appropriate to consider the neighborhood of the applicants' property to extend into the Faculty neighborhood, despite the latter being in a different zone (Residence A) from the applicants' property.

Since, as has been discussed in previous letters, the plan creates external impacts to the abutters and the Faculty neighborhood in excess of what would be expected for other uses permitted in the Church Hill zone, the Planning Board should conclude that the proposed project fails to meet at least the second conditional use criterion and therefore should be denied.

I will also note that as of this writing, the applicants have still not provided a written response to the peer review submitted by Altus Engineering on 18 February 2022. Given the amount of time that has elapsed since the peer review report was submitted, the Planning Board should consider this lack of response to be willful and act accordingly in reviewing the site plan.

Thank you for your consideration.

Eric Lund

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Opinions are my own and not necessarily shared by others on Town Council