

From: [Eric Lund](#)
To: [Karen Edwards](#)
Cc: [Michael Behrendt](#)
Subject: Comments for Planning Board re: 19-21 Main Street
Date: Thursday, August 19, 2021 3:23:47 PM

Dear members of the Planning Board:

I am writing to express my continued concerns regarding the conditional use application for the construction of a parking lot on the subject property. My comments are based on the plan presented to the board at the 12 May 2001 meeting and viewed during the 26 May 2001 site walk, at which I was present. As of this writing, the only material the applicants have provided since the site review have been comments on two citizen letters.

There are eight criteria which must be met for a conditional use permit to be granted under zoning ordinance 175-23C, and the failure of the applicants to meet their burden of satisfying any one of the eight criteria is sufficient for denial of the application. In my opinion, this proposal fails on six of the eight criteria, as follows:

1. Site suitability, specifically item (c) regarding environmental constraints. Steep slopes, which are mentioned explicitly in the ordinance, are a factor here. More importantly, the subject property lies within the watershed of the Oyster River, a state protected river, with the majority of the site (including the portion on which the parking lot would be constructed) draining via College Brook, a small stream which is already significantly impaired. The proposed stormwater treatment system, in the process of reducing large short-term flows of runoff from the site, will create a localized channel originating from the outlet of the system. Therefore the risk of erosion from storm runoff through this channel remains, with potentially strong impacts to both College Brook and the Oyster River.
2. External impacts. I have previously written about the impacts to the adjacent property at 5 Smith Park Lane (the Urso property). While the impacts of the proposed project are strongest there, the two Andersen properties at 6 and 8 Chesley Drive are also impacted, mainly due to the large elevation difference between the proposed parking lot grade and the Andersen properties. The ordinance specifically refers to the structure's "scale with reference to its surroundings", and parking is defined elsewhere in the Durham zoning ordinance as a structure.
3. Character of the site development. This criterion specifically mentions the "amount, location, and screening of off-street parking". The Urso and Andersen properties are clearly in the same neighborhood as the subject property, as they are in such close walking proximity (arguably, the Faculty neighborhood should be considered part of this neighborhood; the portion of the Faculty neighborhood east of Thompson Lane is known as the Red Tower district after the house located on the applicants' property at 19 Main Street). The large retaining slope at the rear of the proposed lot is similar in height and scale to a freeway overpass and is therefore incompatible with the established nature of the neighborhood as a walkable, mostly residential neighborhood.
4. Character of the buildings and structures. This criterion specifically includes "the scale, height, and massing of the building or structure". The proposed structure would be about 17 feet in height—comparable to a freeway overpass, as mentioned above—and extend several hundred feet around the perimeter, including about 200 feet at the rear.
5. Preservation of natural, cultural, historic, and scenic resources: The site is located within the Church Hill district, which was created specifically as an identified historic resource. In addition, the removal of the woods on the site would degrade scenic views from the Urso and Andersen properties, which explicitly violates the text for this criterion.
6. Impact on property values. A reasonable person would expect that the replacement of woods with a parking lot would significantly affect the values of the Urso and Andersen properties. The applicants have so far not provided any evidence to the contrary, and the applicants bear the burden of proof in any conditional use application.

For all of these reasons, the proposed parking lot does not satisfy the criteria for conditional use, and the Planning Board should accordingly deny the application.

Sincerely,
Eric J. Lund
31 Faculty Rd.