

Toomerfs' Plan: Unequal Impact on Abutters

Two of the three residential abutters to Church Hill Woods would be significantly more affected than would the third abutter by the proposal to deforest, elevate, and pave Church Hill Woods.

**Party-in-interest submission
to the Durham Planning Board
July 7, 2022**

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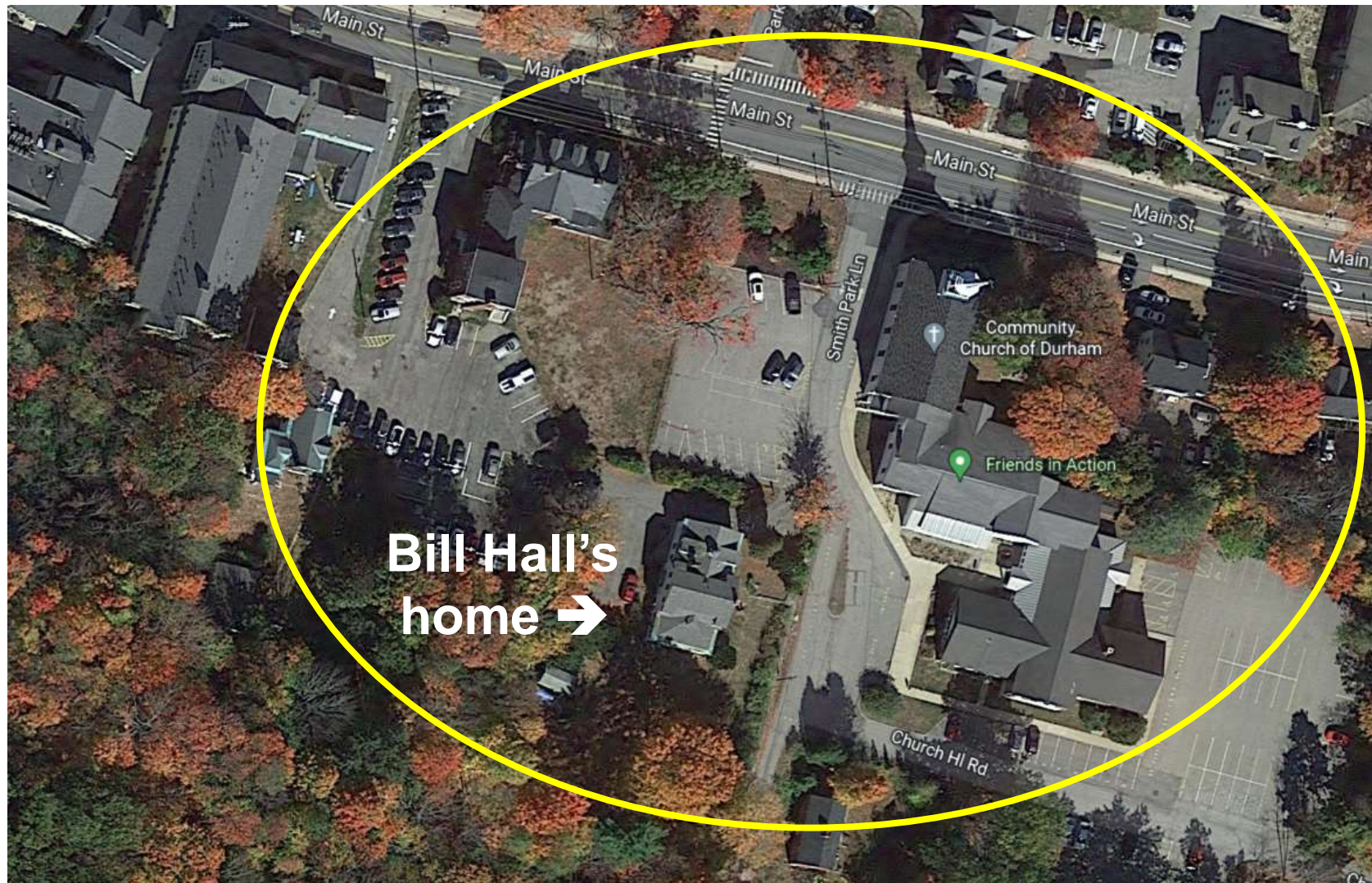


Bill Hall (3 Smith Park Ln) is the only residential abutter (and only nearby residential neighbor) who supports Toomerfs' project.



Mr. Hall has repeatedly said that if the parking lot is *not* built, he fears student housing would be built there. ***BUT Hall's dreaded alternative to the lot – student housing – is NOT a permitted use on Church Hill.***

Bill Hall's home – close to Main St and surrounded on 3 sides by parking lots – would be minimally affected by the Toomerfs parking proposal

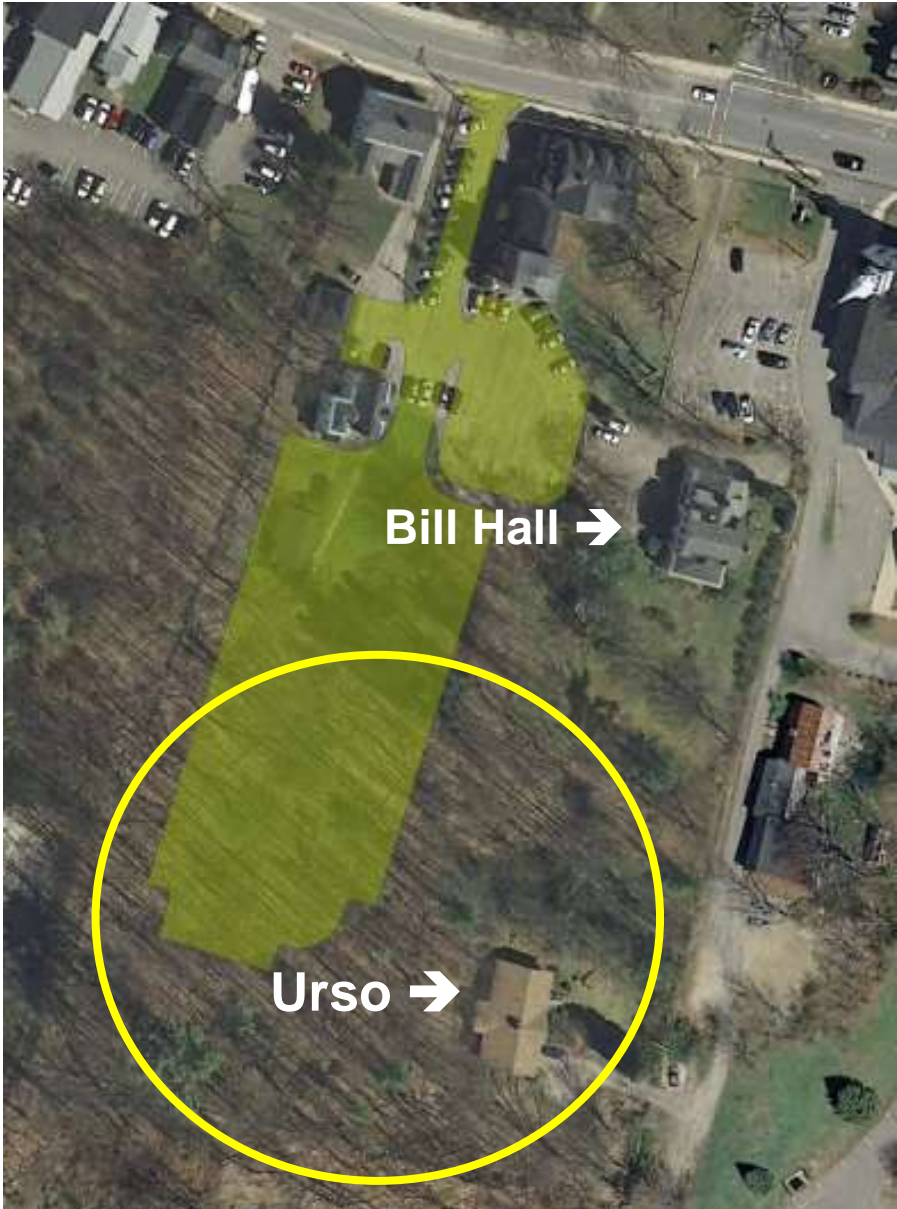


In comparison to two other abutters, the setting of Bill Hall's home would barely be changed by the planned Toomerfs parking edifice

The Hall home is adjacent to the current (slated to-remain) parking area behind the Red Tower, and he is surrounded on two other sides by the Community Church parking lot and driveway.



Contrast the Bill Hall location with the Urso home (now tucked in the woods)



The Urso home now abuts an [urban forest](#) (top pics); if Toomerfs move forward, the Ursos would face a giant “parking fortress” (bottom) with 123 paved parking spaces.



URSO
← Backyard →

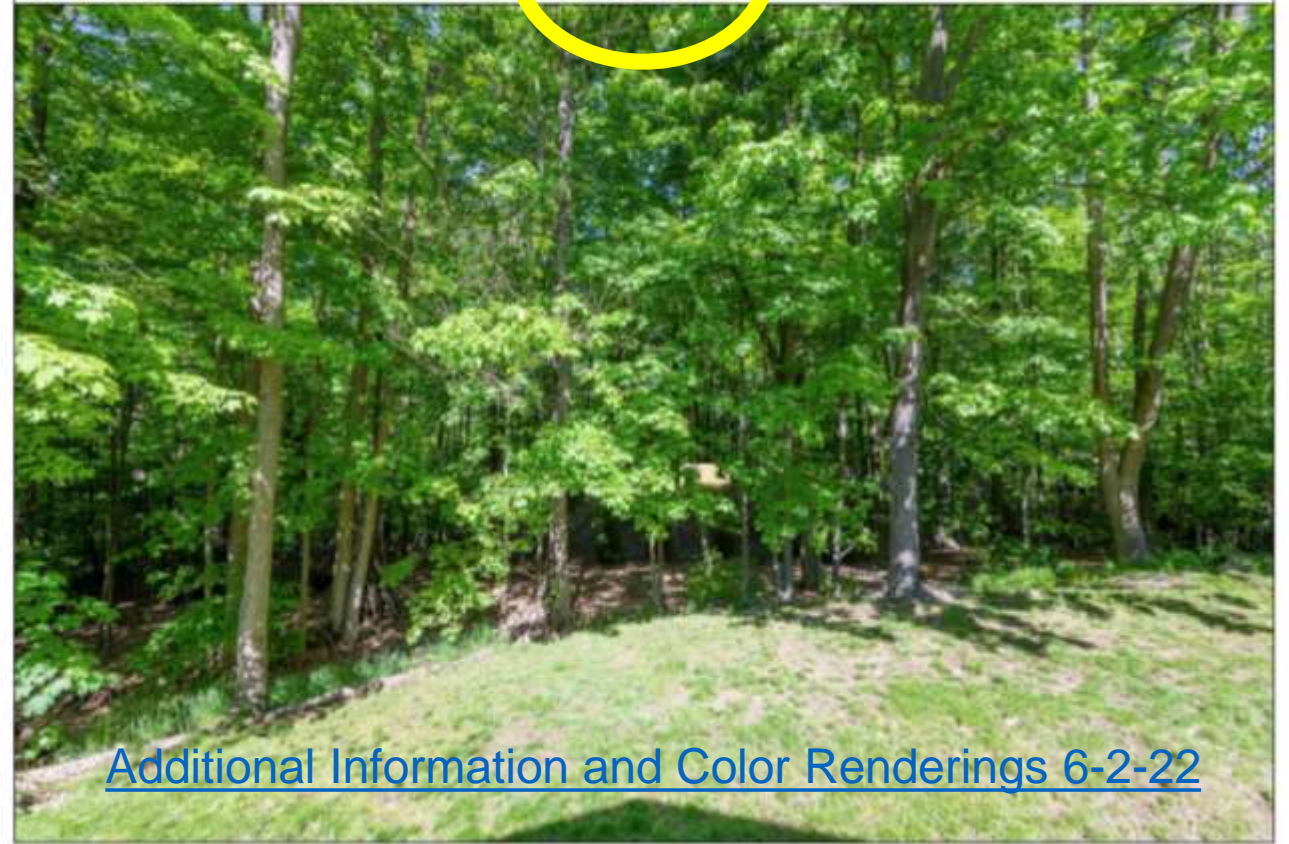


[Additional Information and Color Renderings 6-2-22](#)



Although Mill Plaza is visible in the distant background from the Urso home *in all seasons* (see left pics), Toomerfs have falsely claimed that their much closer proposed massive parking edifice would barely be visible from the Urso backyard (submitted “after” image, *below*).

EXHIBIT F: Urso Residence, Proposed
Prepared by: Tangram 3DS Date issued: 2022-06-02



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The second most-affected abutter would be the Andersens at 8 Chesley Drive, a home that now abuts an urban forest (see [expert input](#)) with no parking lots visible from its windows.



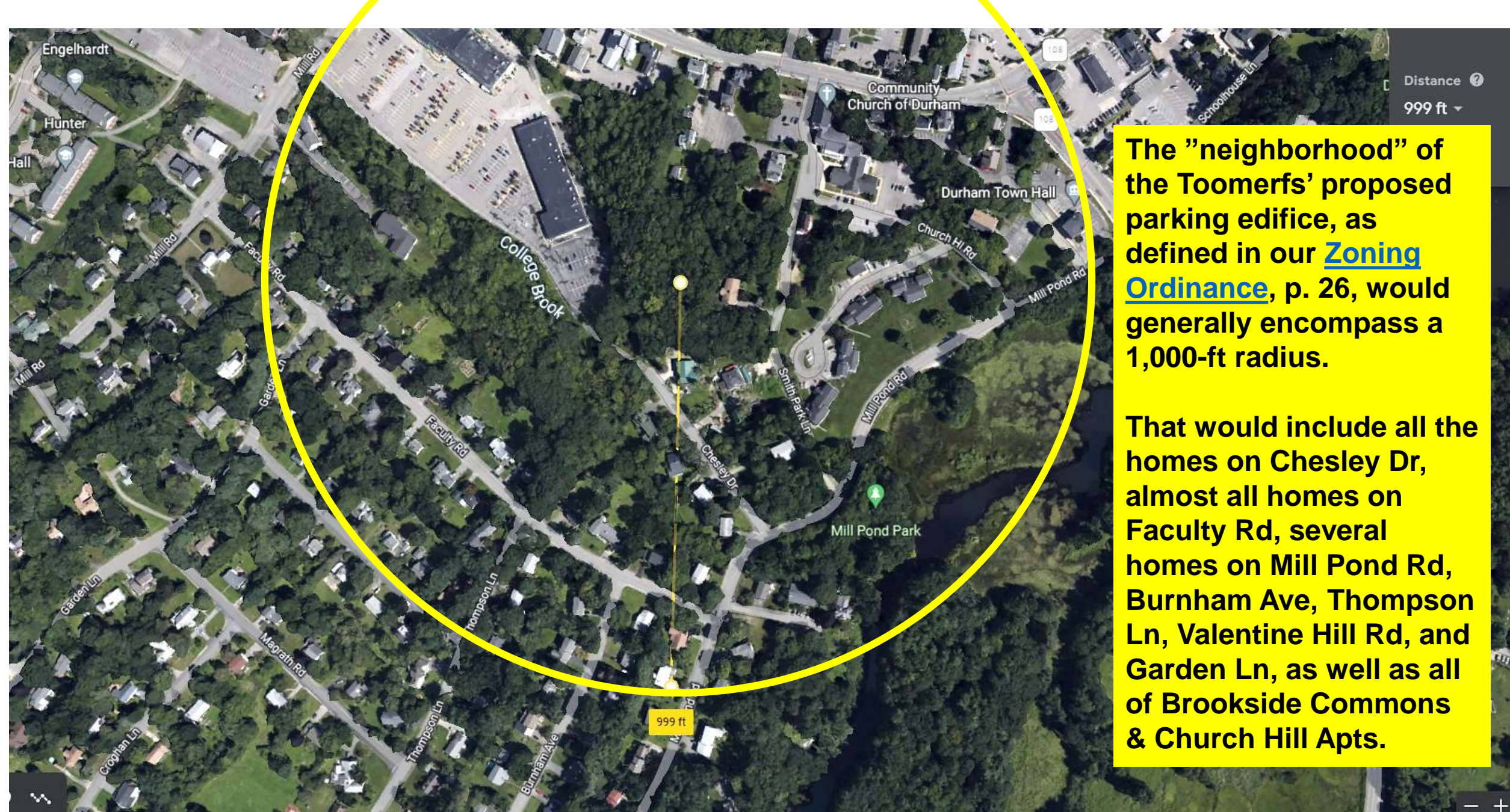
The Urso & Andersen homes would be those most affected by *added* traffic, noise, odors & fumes, light & glare, hours of activity, summer heat, and other negative external impacts.

For the Andersens, the pollution of the wetland on their property (the Chesley Marsh) is an added negative impact. (See [Wilfred Wollheim 7-7-22](#))



Indeed, Bill Hall would be less negatively affected by the parking-mound project than most of the residents of the larger Faculty Neighborhood, who would lose a buffer from sound, light, heat, pollution, and stormwater.





The "neighborhood" of the Toomerfs' proposed parking edifice, as defined in our [Zoning Ordinance](#), p. 26, would generally encompass a 1,000-ft radius.

That would include all the homes on Chesley Dr, almost all homes on Faculty Rd, several homes on Mill Pond Rd, Burnham Ave, Thompson Ln, Valentine Hill Rd, and Garden Ln, as well as all of Brookside Commons & Church Hill Apts.

[Google Earth](#), using its measurement feature

An out-of-scale structure (right) would affect the entire Faculty Neighborhood, destroying a major viewshed from the popular College Brook Footbridge at the Chesley Marsh base of Church Hill Woods.

(below).

Site for 20-ft tall parking mound

Old stone wall at Church Hill Woods →

Brook Footbridge (path from Faculty Rd)

View from neighborhood bridge NOW

Site for 20-ft tall parking mound

Chesley Marsh

“AFTER”



Simulation, in absence of developer image



– Bill Hall, Public Comment, Dec 15, 2021:

“William Hall, Durham, the landowner to the northeast of the project.... I can’t wait until they put the parking lot in and I no longer have to worry about having a three-story student dormitory in my front yard. So I want to assure you I appreciate this effort....” [8:28pm, [video](#)]

Again: A student dormitory is NOT a permitted use in the Church Hill District!

The most-affected abutters – the Ursos & Andersens – have expressed their grave concerns in person and in writing. Their opposition has been reinforced by their hiring legal representation (PretiFlaherty Law Firm) to fight the plan.



“It’s affecting my house most of all.... I’m going to be looking at a row of cars.... To say that it’s going to be hidden is totally wrong.” – Sandy Urso ([video](#))

“The nightmare of waking up to an out-of-place, out-of-scale structure.... We have rarely required the use of air conditioning due to the cool temps provided by the woods.... to be removed and replaced with a heat island which will subsequently increase my home temperature and electric bills. Any new trees planted will not be substantial until long past my days on earth.... The night is currently still except for the sound of frogs and crickets. This would be in stark contrast with a future of car doors, alarms, snow plows and simple conversation accentuated by the openness so near to my home.... This project is labeled as 19-21 Main Street and it has been made clear and even boasted that nothing will be visible from Main Street; however, it will be a backdrop to my entire property.” — [Sandy Urso 3-17-22](#)



“‘Conditional Use’.... means that a project is supposed to have a positive environmental and aesthetic impact. Also, if a proposal does not meet even a single one of a long list of criteria, it must be rejected.... And this proposal is ugly and, in my opinion, environmentally catastrophic. It also fails on almost every possible negative external impact on my abutting home and the adjacent neighborhood.... You must compare the price of a single-family home next to woods to a similar home next to a commercial parking lot. Would any of you want to buy a home next to a large, 24/7 commercial parking lot?... There is no simple “right” to build this parking lot.... The project has to match conditional criteria, criteria that it cannot match. And the Zoning requires the *applicant*, not abutters, to bear the burden of proof of matching Conditional Use criteria. The applicants simply stating that it will match does not rise to the required standard of proof.” — [Martha Andersen 5-19-22](#)

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