

To: Durham Planning Board / From: Joshua Meyrowitz, 7 Chesley Dr / Aug 10, 2022

Protecting Church Hill Predates Toomerfs' Plans by Many Decades

“This was the second time recently that out-of-town developers have withdrawn their requests. Last November, a Concord concern, which sought to build a hot dog restaurant on Church Hill, withdrew on the day of the public hearing. The hearing was held nevertheless, to satisfy the law; but no one appeared to defend having such an establishment.” — *Portsmouth Herald*, Monday, July 17, 1967, p. 7

“I, for one, would rather see a hot dog restaurant than an expansive parking lot on Church Hill!” – *Facebook* posting, Jennifer Sneirson Kun, May 10, 2021

In Toomerfs' March 23, 2022 [presentation](#) to the Planning Board, Attorney Timothy Phoenix declared that “*Opposition is not about parking lot. It's about Mill Plaza as evidenced by the efforts to get Toomerfs to build something else*” (slide 12).

In reality, the Toomerfs' claim in March 2022 that only “Mill Plaza activists” oppose their parking lot plan has been thoroughly disproved by persistence of (indeed the surge in) opposition to the Church Hill parking plan since the Mill Plaza plan failed to gain Planning Board approval for a critical CUP permit on April 13, 2022. This is seen in more than 90 critical letters posted on [Citizen Comments](#) after mid-April (including from residents who never wrote or spoke to the Planning Board about the Mill Plaza), a petition from 63 long-term members of the Church for which the District is named, [Community Church of Durham Members 7-7-22](#), more than a dozen of whom live beyond Durham, and a July 7, 2022 [Petition from 253 Residents of the Faculty Neighborhood](#) (most of whom have not written or spoken to the Planning Board about the Mill Plaza).

Moreover, the Board now has extensive expert input on the negative environmental consequences of the parking lot plan from long-term USDA Forest Service experts and aquatic ecosystem ecologists, including, most recently, from the Director of the NH Water Research Center, Professor William H. McDowell (a resident of Lee, NH), who [writes](#):

I wish to provide my considered professional opinion on the water quality degradation of College Brook that would occur upon construction of the proposed Church Hill Parking Lot. With the footprint of the parking lot and its close proximity to College Brook, it is virtually certain that additional impairment from road salt application will further degrade water quality. It is also highly likely to result in additional nitrogen and sediment delivery to College Brook and thus to Great Bay, because surface runoff from the parking lot will

have little opportunity for natural nitrogen or sediment removal in groundwater or in the riparian zone.... [A]s a citizen of the Great Bay watershed and the state of New Hampshire, any further degradation of water quality is something that I feel should be avoided whenever possible.”

Those expert inputs have nothing to do with opposition to the Mill Plaza plan.

Additionally, protecting the uniqueness of Church Hill is proven by the sustained efforts building up to the formation of Church Hill as a distinct zoning district in 2006, as well as in efforts to stop a plan to extend the Central Business District from Mill Plaza into Church Hill as documented in my posted [history](#):

August 4, 2008—Proposal to Expand Central Business District up Church Hill FAILS

In April 2008, the Economic Development Committee (at encouragement of the Town Council Chair, Neil Niman, and after its own discussion of the idea in March 2008) “passed a motion to forward the Zoning Map amendment to the Town Council that would expand the Central Business district up the Church Hill district to Smith Park Lane.”

The Church Hill Districts abuts the Mill Plaza at the southeastern rear of the Plaza. The Planning Board held a Public Hearing on the proposed Amendment on June 18, 2008, at which no one spoke in favor of it, and a number of people spoke against it. (See the minutes for that [June 18, 2008](#), Planning Board meeting.)

The Planning Board then recommended to the Town Council that the Zoning Map *NOT* be amended as proposed.

The Town Council held a Public Hearing on the same proposal on August 4, 2008. **No one spoke in favor of the change in Church Hill zoning** (and a number of people critiqued the process through which such a major change had been proposed, as it contrasted with the more transparent and collaborative Mill Plaza Study Committee work).

The motion to enact the zoning change failed by a vote of 2 in favor of the change and 7 against the zoning change. (Even Council Chair Neil Niman, who had stimulated the process for this proposed amendment with the EDC, said, per the meeting minutes, that “he couldn’t get past the idea of passing something that no one wanted.”

See the Town Council minutes for [August 4, 2008](#). See the “Failed” [#2008-10 Ordinance](#).