

Martha Andersen
8 Chesley Drive
Durham, NH 03824

July 12, 2022

Durham Planning Board
c/o Karen Edwards & Michael Behrendt

Re: Misleading Toomerfs' claims about protecting the Andersen wetland

Dear Members of the Planning Board,

I am writing once again to state my strong opposition to the proposed commercial parking fortress that would be prominently visible through my windows and from my side and back yards (should you approve it). The new "moonscape" renderings are horrifying. As I described in my 2-page May 19, 2022 letter, which I hope you will re-read, my home is not now adjacent to any parking lots, and trees are the most prominent views from my windows. I continue to believe firmly that the proposal fails on almost every conditional use criterion, when only a single failure is supposed to doom a project.

As both my daughter and I detailed in our May 11, 2022 Public Hearing comments, one of our particular concerns is about the added damage from an upland parking lot to the Chesley Marsh, the identified wetland that is on our property. And I write here to challenge one of the key claims about the protection of the Marsh in the recently posted July 8, 2022 letter from the Toomerfs' attorneys. Phoenix and Kieser claim that "**No parking lot site work is proposed within that 75 ft. buffer....**" And they describe how the wetlands were delineated by Certified Wetland Scientist Mark West.

I present the following facts for your careful consideration, which suggest that this claim is fanciful:

- The posted May 5, 2022 site plans show only a 50-53 ft "woodland buffer" from the proposed retaining wall to the rock wall boundary that divides the Toomerfs' property from ours.
- We searched and found the blue markers delineating the edge of the Chesley Marsh on our property. The distance from the upland blue marker to the Toomerfs' side of the rock wall boundary is only about 19 feet.
- $19 + 50 = 69$ feet, not 75 feet; $19 + 53 = 72$ feet, not 75 feet.
- Even more to the point of misleading claims: In my 25 years of experience as a general contractor, it is inconceivable to me that there will be no disruption around the proposed retaining wall foundation. One cannot just plop a retaining wall into the middle of a "woodland buffer." The surrounding land always gets disturbed, usually at least 10 feet (more likely 15 feet) away from any digging and foundation setting, either from equipment movement or from movement of soil, digging out, and backfilling.
- With the Toomerfs not yet submitting any detailed renderings of the proposed 6-ft tall retaining wall and its relationship to the 20ft tall 2:1 slope – and the Planning Board's refusal to press them to do so – we are all clueless as the specifics of construction plans. This points to applicant obfuscation

and a failure of the Planning Board to practice due diligence.

- The recent expert submission by the aquatic ecosystem ecologist Prof. Wilfred Wollheim adds force to what both my daughter Patty and I spoke up about regarding the negative impact of this project on the ecosystem and watershed. (As I wrote to you: “It would further pollute the impaired College Brook and the entire watershed with salt and other pollutants.”)
- Please note the unequivocal nature of Prof. Wollheim’s expert assessment of the degradation of the habitat and ecology of our small remaining forest buffer that protects our wetland – degradation uniquely associated with the parking proposal versus other potential uses. Durham’s urban impact is already straining the waterways that nourish us. I quote from his letter of 7/7/22:

*Conversion of one of the last forest tracts to a parking lot will further degrade flows and introduce more pollutants. There is less evapotranspiration without the trees, which means more rainwater will get to the stream. Installation of storm water detention ponds would reduce the peak flow, but the net result would still be more water getting to the stream due to less evaporation through the trees. **A parking lot will also result in more road salt additions, tire particles, automobile pollution, and other atmospheric deposition getting into the stream, further degrading it.** While a buffer may remain between this new development and College Br., it will likely not reduce the high flows from a parking lot, would do nothing for chloride, and likely very little for nitrogen. The amount of cleared land to buffer size would likely be too big.... To have one of the last remaining forested sections in the College Br. watershed be cleared would be a major setback in improving water quality and flow conditions in College Br.*

- Note that all the pollution that Prof. Wollheim describes as flowing from a possible parking lot site above the old rock wall to the College Brook at Joshua Meyrowitz’s property will first pass through and further degrade the wetland on *our* property. CU criteria #2 (External Impacts) & #5 (Preservation of Natural Resources) are not met!

What benefit to any of us is there in plowing down this tract of trees and replacing it with 1,000s of tons of fill, asphalt, car emissions, noise. And this is not a “permitted use” in the Church Hill District.

I take a final moment to mention realtor Joan Friel’s letter regarding the negative impact on property values. Friel wrote to the Ursos: “While your property would be impacted the most. The properties on Chesley Drive will lose the privacy they enjoy now.” Her assessment indicates that the value of my property at 8 Chesley Drive will also be seriously negatively affected. Our property will be catapulted from a private quiet wooded setting into something that would feel more “urban.” As I already spoke and wrote to you:

“I do not hear car horns, I do not hear car alarms, I do not hear car stereos blaring, I do not hear parking-lot skateboarders, I do not hear parking-spot renters speaking to each other or over phones. This proposal would change all that for the worse, with 24/7 illumination, traffic, and noise.”

Please follow our zoning and respect the sanctity of my home.

Respectfully submitted,
Martha Andersen